

To the Rev. E. J. ...
A CHURCH MANUAL.

FOR THE USE OF THE

Protestant Episcopal Church, Diocese
of Newark.

IN THE

DIOCESE OF NEWARK.

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As Revised by the Committee on Canons A. D. 1910.

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PREFATORY NOTE.

In 1901, the Diocesan Convention appointed a committee consisting of the Rev. Edwin A. White, the Rev. Dr. George S. Bennett, the Rev. John Keller, the Hon. John R. Emery, and Mr. William Read Howe, and instructed them "to have printed nine hundred copies of the Constitution, Canons and Civil Laws, together with the necessary forms to be used under these laws."

This Committee reported to the Convention of 1903, as follows:

"In accordance with these instructions they have compiled for the use of the Church in this Diocese, a Manual, containing the Constitution and Canons of the Diocese, the Constitution and certain Canons of the General Convention, all the Statute Laws of the State that in any way affect the Church, such decisions of the civil courts as affect the Church, certain necessary forms and modes of procedure, the marriage law of the State, and a complete index with cross references to the contents of the Manual.

"This index, although an entirely new feature in a Diocesan Manual, they believe will be found most useful to those who may have need to consult the same."

Since the first edition of the Manual, published in 1903, the Constitutions and Canons of both the General Convention and our own Diocese have been revised, and a new marriage law enacted by the legislature of the State. The changes effected by these revisions were so many and so radical that the Diocesan Convention of 1910 instructed the Committee on Constitution and Canons to prepare and have printed a new edition of the Manual. This Committee herewith presents to the Bishop, Clergy, and Laity of the Diocese the results of their labors.

EDWIN A. WHITE,
WILLIAM M. HUGHES,
WALKER GWYNNE,
JOHN R. EMERY,
WILLIAM R. HOWE,

Committee on Constitution and Canons.

CONTENTS.

PART I.

CONSTITUTION OF THE DIOCESE OF NEWARK.

Article 1.—THE DIOCESE ACCEDES to the General Constitution,	5
Article 2.—Of the Annual Convention,	5
Article 3.—Of Special Conventions,	5
Article 4.—Of the Members of Convention,	6
Article 5.—Of the Admission of New Parishes,	7
Article 6.—Of the President of Convention,	8
Article 7.—Of the Quorum and Manner of Voting,	9
Article 8.—Of the Secretary of Convention,	9
Article 9.—Of the Treasurer of Convention,	9
Article 10.—Of the Standing Committee,	10
Article 11.—Of Deputies to the General Convention,	10
Article 12.—Of the Election of a Bishop,	11
Article 13.—Of Alterations in the Constitution,	11

CANONS OF THE DIOCESE OF NEWARK.

Canon 1.—Of the Convention,	15
Canon 2.—Of Elections,	17
Canon 3.—Of the Office of Registrar,	17
Canon 4.—Of the Finance Committee, the Bishop's Salary, Expenses of the Convention, and the Epis- copal and Missionary Funds,	18
Canon 5.—Of Diocesan Missions,	23
Canon 6.—Of the Parish,	26
Canon 7.—Of the Formation of New Parishes,	28
Canon 8.—Of Parish Boundaries,	31
Canon 9.—Of the Organization of Missions,	33
Canon 10.—Of the Commission on Church Architecture,	35
Canon 11.—Of the Ecclesiastical Court,	35
Canon 12.—Of Proceedings in the Case of a Clergyman not a Bishop, Accused by Public Rumor of Offenses for which he may be Tried,	37

Canon 13.—Of the Presentment and Trial of Clergymen,	37
Canon 14.—Of the Fund for Aged and Infirm Clergymen,	41
Canon 15.—Of the Fund for Widows and Orphans of Clergymen,	43
Canon 16.—Of Scholarships in the General Theological Seminary,	44
Canon 17.—Of Alterations in the Canons and Additions Thereto,	45
Canon 18.—Repealing Former Canons,	45

PART II.

CONSTITUTION OF THE GENERAL CONVENTION AND EXTRACTS FROM THE CANONS OF THE GENERAL CONVENTION.

CONSTITUTION.

Article 1.—Of the General Convention,	49
Article 2.—Of Election of Bishops,	51
Article 3.—Of Consecration of Bishops for Foreign Lands,	52
Article 4.—Of Standing Committees,	53
Article 5.—Of Admission of New Dioceses,	53
Article 6.—Of Missionary Districts; how Established,	55
Article 7.—Of Provinces,	56
Article 8.—Of Requisites for Ordination,	56
Article 9.—Of Courts for Trial of Bishops, Presbyters, and Deacons; of Courts of Review; of Court of Appeal,	57
Article 10.—Of the Book of Common Prayer,	57
Article 11.—Of Alterations or Amendments to the Constitution,	58

EXTRACTS FROM THE CANONS OF THE GENERAL CONVENTION.

Canon 15.—Of the Filling of Vacant Cures,	59
Canon 16.—Of Ministers and their Duties,	60
Canon 20.—Of Persons not Ministers in this Church Officiating in any Congregation thereof,	64
Canon 22.—Of Lay Readers,	65
Canon 38.—Of the Dissolution of the Pastoral Relation,	66
Canon 39.—Of the Solemnization of Matrimony,	67
Canon 40.—Of Regulations respecting the Laity,	68
Canon 41.—Of Translations of the Bible,	69
Canon 44.—Of the Due Celebration of Sundays,	70
Canon 45.—Of the Music of the Church,	70
Canon 46.—Of the Consecration of Churches,	70
Canon 48.—Of the Mode of Securing an Accurate View of the State of this Church,	71
Canon 51.—Of Parishes and Congregations,	72
Canon 52.—Of Parish Vestries,	73

PART III.

EXTRACTS FROM THE CONSTITUTION, ACTS OF THE LEGISLATURE, AND DECISIONS OF THE COURTS OF THE STATE OF NEW JERSEY, WHICH MAY AFFECT THE CHURCH.

STATE CONSTITUTION.

Article 1.—

- Sec. 3.—No person to be deprived of worshiping God,
agreeable to the Dictates of his own Conscience, . . . 77
- Sec. 4.—No Establishment of one Religious Sect in prefer-
ence to another, 77
- Sec. 20.—No Donation of Land or Money to be made for
Religious Uses, 77

Article II.

- Sec. 11.—Legislature to pass no Special Act conferring
Corporate Powers, 77

LEGISLATIVE ACTS, ESPECIALLY AFFECTING THE CHURCH.

- An Act Relating to the Incorporation and Government
of Parishes, 78
- An Act to Incorporate the Convention of the Church, . . . 90
- An Act to Incorporate Trustees of the Convention, and Pro-
viding for the Division of a Diocese, 92
- An Act to Authorize Dioceses to Change their Corporate Name, 95
- An Act to Incorporate Trustees of the Episcopal Fund, . . 96
- Supplement to An Act to Incorporate Trustees of Episco-
pal Fund, 98
- Further Supplements to An Act to Incorporate Trustees of
Episcopal Fund, 99
- An Act to Empower Diocesan Trustees to hold Property, . . 101
- A Supplement to An Act to Incorporate Trustees of Reli-
gious Societies, 103

GENERAL LAWS WHICH MAY AFFECT THE CHURCH.

- An Act to Correct Erroneous Names in Deeds, 104
- An Act to Authorize Religious Corporations to hold Property, 105
- An Act Exempting Rectories from Taxation, 106
- An Act Exempting Educational and Religious Institutions
from Taxation, 106
- Acts Concerning Churchyards, Cemeteries, and Burial Grounds, 107
- Decisions of the Courts Affecting the Church, 109

PART IV.

FORMS AND MODES OF PROCEDURE.

Forms for Organization of a Parish,	113
Mode of Incorporating a Parish,	115
Form of Certificate of Incorporation,	116
Admission into Union with Convention,	117
Mode of Procedure for Parish desiring to change Certificate of Incorporation,	118
Form of Petition to Bishop and Standing Committee to Sell or Mortgage Church Property,	121
Form of Consent of Bishop and Standing Committee to Sell or Mortgage Church Property,	122

PART V.

MARRIAGE LAWS.

An Act of the Legislature Concerning Marriages,	125
---	-----

PART VI.

CONSTITUTION AND STATUTES OF THE CATHEDRAL OF ALL SAINTS, DIOCESE OF NEWARK.

Constitution,	137
Statutes,	144
INDEX,	147

Part 1.

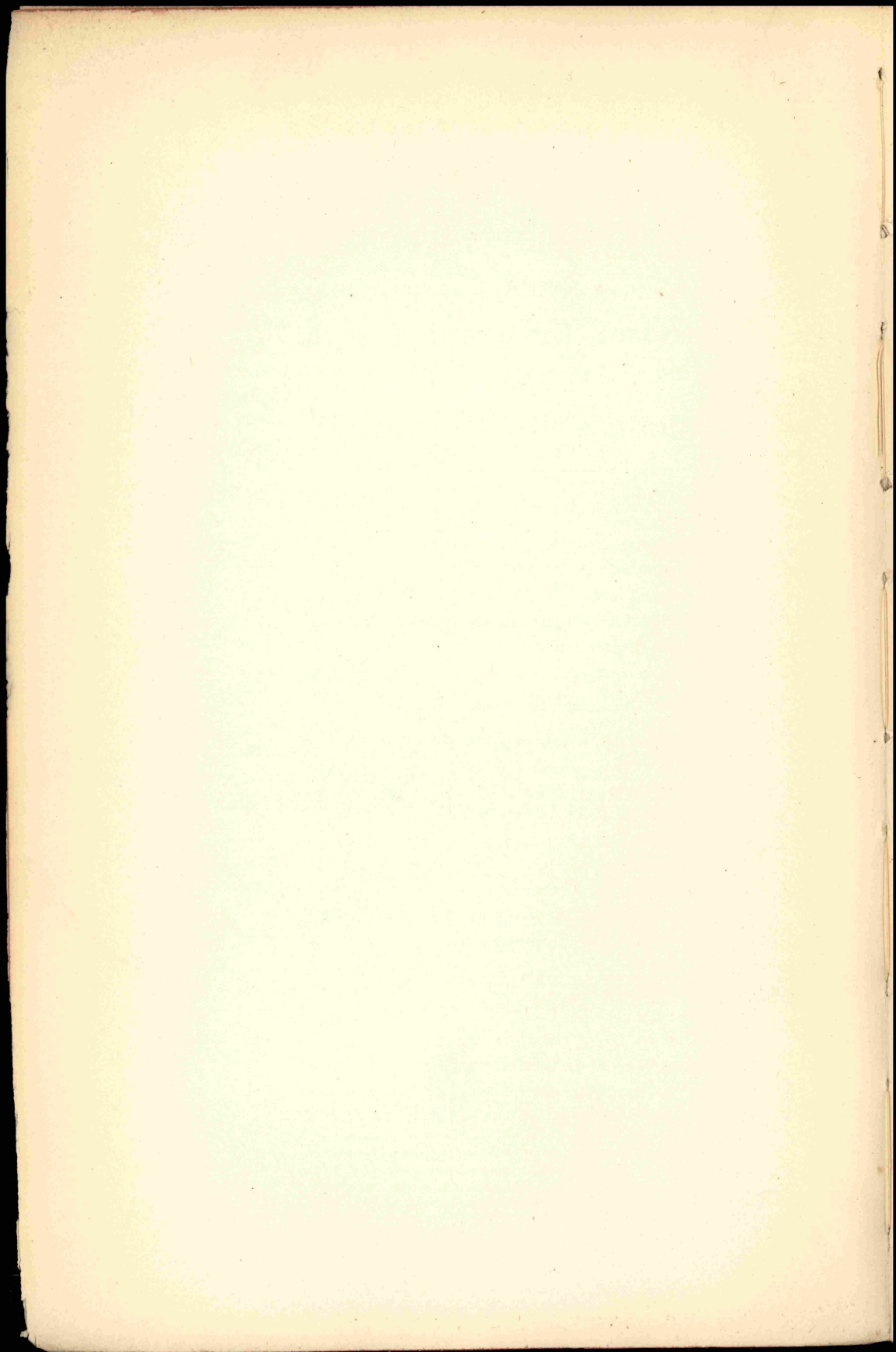
CONSTITUTION
AND CODE OF CANONS

OF THE

Protestant Episcopal Church

IN THE

DIOCESE OF NEWARK.



CONSTITUTION OF THE DIOCESE.

THE CONSTITUTION*
OF THE
Protestant Episcopal Church
IN THE
DIOCESE OF NEWARK†

ARTICLE 1.

The Church in the Diocese of Newark, as a constituent part of the Protestant Episcopal Church in the United States of America, accedes to the Constitution and Canons of that Church, and acknowledges their authority.

Acceding to the
General Constitution.

ARTICLE 2.

There shall be a Convention of the Church in this Diocese, on the third Tuesday in May, in each year, or on such other day in May as may be specially appointed by the Ecclesiastical Authority; *provided*, one month's notice shall be given of such special day appointed; and *provided, further*, that the Convention shall not meet in Rogation or Ember week. The Convention shall be held where the Ecclesiastical Authority appoints.

Annual Convention.

ARTICLE 3.

The Bishop, or, if the Episcopate be vacant, or the Bishop be incapacitated from acting, the Standing Committee, shall have power, when it appears requisite for the good of the Church, to call a

Special Conventions.

*This Constitution was "approved" at the Annual Convention of 1876, and "adopted" at the Annual Convention of 1877.

†The name of the Diocese was changed from "Northern New Jersey" to "Newark" in 1887. (See Journal, 1887, p. 37).

CONSTITUTION OF THE DIOCESE.

Special Convention. Every Clergyman, entitled to a seat, and every Parish in union with this Convention, shall be notified by a circular letter, at least four weeks previous to the time appointed; which letter shall specify the purpose for which said Special Convention is called, and no business shall be transacted at any such meeting other than that stated in the notice.

ARTICLE 4.

Members of
Convention.

Presbyters.

Sec. 1. The Convention shall be composed of both Clergymen and Laymen.

Sec. 2. Every Presbyter, six months canonically resident in the Diocese, and who for the same period and immediately preceding the meeting of the Convention has, under the authority of either the Rector, or the Rector, Wardens, and Vestrymen, been regularly engaged in parochial work in some Church or Parish in union with this Convention, or who is a Missionary duly appointed by the Ecclesiastical Authority, or who is engaged as a Rector, Principal or Professor in any incorporated literary or theological institution of the Church, or as Chaplain in the Army or Navy of the United States, shall be a member *ex-officio*; nor shall this right be forfeited when any such Presbyter, after having been for five years connected with the Diocese, shall, by reason of age or infirmity, be disabled from the performance of the active duties of his ministry; *provided, however,* that in the election of a Bishop, or a Bishop Coadjutor, no Presbyter shall be allowed to vote unless he shall have been canonically resident in the Diocese for at least one year previous to said election, or shall have been regularly elected and settled as Rector in some Church or Parish in union with this Convention. Other Presbyters and Deacons, who belong to this Diocese, shall also be admitted to seats, with the right to take part in the debates, but

minutes
sup. Bishop

proposed 6 mo.

CONSTITUTION OF THE DIOCESE.

shall not vote, nor be eligible to any office in the gift of the Convention.

Sec. 3. The Laity shall be entitled to a representation of one or more Deputies, not exceeding three, from each Parish ~~and also from each Mission not parochial, in union with the Convention, and from the Cathedral.~~ *Laity.* *in Union with* *with* *Provided,* however, that only Parishes in union with this Convention, and the Cathedral, shall have a vote when the same is taken by Orders. Deputies shall be elected by each Congregation, from the male Communicants thereof.

Sec. 4. Lay Deputies shall not be allowed or entitled to vote at any session of the Convention of this Diocese in any of the following cases:

1. In case the Parish or Mission sending such Deputies shall for two successive years have failed to report to the Bishop in accordance with Canon 6, Sec. 1, of the Code.

2. In case the Parish or Mission sending such Deputies shall for two successive years have failed to pay to the proper officer its proportion for the support of the Episcopate, either as interest on bonds, or as assessments for the same, together with such sum or sums as may have been assessed or levied upon such Parish or Mission for Diocesan expenses, unless any or all of such interest or assessment shall have been remitted by action of the Convention.

3. In case the Parish sending such Deputies, having been for two successive years without a Parish Minister, and not having provided for regular services, shall have failed to notify the Bishop thereof, and to request that a Missionary be assigned to it.

Lay Deputies from such Parishes shall, however, be allowed to vote at any session of the Convention, when it shall appear that at least six months prior to such session, the report, payment and notification mentioned in the sub-divisions, 1, 2, and 3 of this Section, respectively, have, and each of them has, been given or made.

CONSTITUTION OF THE DIOCESE.

ARTICLE 5.

Admission of
New Parishes.

New Parishes may be admitted into union with this Convention by a majority of votes; *provided* they shall produce to the Convention,

1. Satisfactory evidence of the consent of the Bishop, acting after consultation with the Standing Committee, or, if there be no Bishop, of the consent of the Standing Committee, to their formation; and

2. Shall lay before the Convention duly authenticated copies of the minutes, resolutions, and other proceedings of organization, and

3. Of their act or certificate of incorporation, proving that they have been duly organized, by the election of two Wardens, and three, six, or nine Vestrymen, and incorporated according to law; and shall also,

4. By an authenticated copy of a resolution of their Wardens and Vestrymen, promise conformity and obedience to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America, and to the Constitution and Canons of this Church.

Of Congrega-
tions organized
under Trustees.

And *provided further*, That any congregation organized under Trustees duly incorporated by Act of the Legislature of the State of New Jersey may be admitted as a Parish, with all the rights thereof, into union with this Convention, when such Trustees shall produce to the Convention,

1. Satisfactory evidence of the consent of the Bishop, acting after consultation with the Standing Committee, or, if there be no Bishop, of the consent of the Standing Committee, to its formation as a Parish; and

2. Shall furnish an authenticated copy of a resolution promising conformity and obedience to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America, and to the Constitution and Canons of this Church.

CONSTITUTION OF THE DIOCESE.

But Deputies from New Parishes, though entitled to a seat, shall not be allowed to vote at the Convention in which their Parishes are admitted.

ARTICLE 6.

The Bishop of the Diocese shall have a seat and a vote in the Convention, and shall preside at all its meetings. The Bishop Coadjutor, when there is one, shall have a seat and a vote; and in the absence of the Bishop shall preside. In case of a vacancy in the Episcopate, or of the absence of the Bishop, and of the Bishop Coadjutor, the members shall elect a President *pro tempore* from among the Presbyters entitled to vote.

President of the Convention.

ARTICLE 7.

Sec. 1. The Presbyters entitled to vote, who may be present at the time of meeting, with the Deputies from ten Parishes, shall constitute a quorum.

Quorum and manner of Voting.

Sec. 2. On the demand of two Presbyters entitled to vote, or of the Lay Deputies from two Parishes, the vote upon any question shall be by orders, the Clergy voting individually, and the Laity by Parishes; and, when a vote is thus taken, a concurrent majority in both orders shall be necessary to carry any measure.

ARTICLE 8.

Sec. 1. At each Annual Convention a Secretary shall be chosen from among its members, who shall continue in office till a successor be appointed. His duty shall be to take minutes of the proceedings, to preserve the journals and records, to attest the public acts of the body, and to deliver to his successor all books and papers relating to the concerns of the Convention which may be in his possession.

Secretary of the Convention.

CONSTITUTION OF THE DIOCESE.

Assistant Secretary.

Sec. 2. The Secretary shall appoint an Assistant Secretary, and whenever there shall be a vacancy in the office of Secretary, the duties thereof shall devolve upon the Assistant Secretary, if there be one; if not, upon the Secretary of the Standing Committee.

ARTICLE 9.

Treasurer of the Convention.

Sec. 1. A Treasurer of this Convention shall be elected, who shall continue in office during its pleasure. He shall give satisfactory security for the faithful discharge of the duties of his office, and shall present a statement of his accounts to each Annual Convention, of which he shall be, *ex-officio*, a member, with a right to speak, but not to vote.

Sec. 2. In case the Treasurer die, resign, remove from the Diocese, or be incapable of acting, the Standing Committee shall have power to appoint a Treasurer to act until the next succeeding Convention, with authority to receive any money, bonds, mortgages, notes or other property, and papers belonging to the Convention; and the Treasurer thus appointed shall enter into the same securities, and be responsible in the same manner, as if regularly elected by the Convention.

ARTICLE 10.

The Standing Committee.

Sec. 1. The Standing Committee shall consist of four Clergymen and four Laymen, to be chosen annually; each order choosing its own members by ballot, subject to the approval of the other order. The Clerical members must be of those entitled to vote in this Convention, and the Lay members must be Communicants of some Parish in union with the Convention of the Diocese. As soon as convenient after their election, they shall choose a President from among the Clerical members, and a Secretary. The proceedings shall be recorded by the Secretary, and open to the inspection of the Convention.

CONSTITUTION OF THE DIOCESE.

Sec. 2. A majority of the members of the Standing Committee, the whole having been duly cited to meet, shall be a quorum.

Sec. 3. The Standing Committee shall have power to fill vacancies which may occur in their own body during the recess of the Convention.

ARTICLE 11.

There shall be a Chancellor appointed by the Bishop, whose term of office shall be three years. He shall be a Lay Communicant of the Diocese in good standing, learned in the law, and shall be the legal adviser of the Ecclesiastical Authority, the Convention, and the Cathedral Chapter. He shall have a seat and voice in the Convention.

ARTICLE 12.

Sec. 1. At the Annual Convention next before the meeting of the regular General Convention, four Clerical and four Lay Deputies shall be elected to represent this Diocese in the General Convention; each order choosing its own representatives by ballot, subject to the approval of the other order; and Deputies so chosen shall hold office for three years.

Deputies to the
General Convention.

Sec. 2. The Convention at the same time and in the same manner, shall elect a like number of supplementary Deputies of each order. It shall be the duty of the Deputies-elect to signify to the Bishop, at least thirty days before the meeting of the General Convention, their acceptance of the appointment and intention to perform its duties; in default of which, the Bishop shall designate so many of the supplementary Deputies having the greatest number of votes as shall be necessary to insure a full representation of the Diocese; and the persons so designated shall have all the power and authority of Deputies duly elected by this Convention. In case of a vacancy in the Episcopate, the power hereby conferred on the Bishop shall be exercised by the Standing Committee.

Supplementary
Deputies.

CONSTITUTION OF THE DIOCESE.

ARTICLE 13.

Election of a Bishop.

Sec. 1. The election of a Bishop shall be at the regular Annual Convention, or at a Special Convention duly summoned according to the provisions of Article 3 of this Constitution.

Sec. 2. The vote shall be by ballot, the Clergy voting individually, the Lay Deputies by Parishes. The Clerical and Lay orders shall vote separately until some fit and qualified Presbyter shall receive a majority, in each order, of those present and voting; a blank ballot shall be considered a vote. And the Presbyter receiving such a concurrent majority in both orders shall be declared duly elected; *provided*, that if there should not be present two-thirds of the Clergy entitled to vote, and Deputies from two-thirds of the congregations entitled to representation, then a concurrent majority of two-thirds of those present and voting in each order shall be necessary to determine a choice.]

ARTICLE 14.

Alterations.

This Constitution shall not be altered but in the following manner: The proposed alteration, or the modification of it deemed advisable, having been submitted to the Convention in which it originated, and been approved by a majority, shall lie over to the next Convention; and if then adopted by a majority of the members, voting by orders, shall become valid and obligatory.

CODE OF CANONS

ADOPTED

AT THE

ANNUAL CONVENTION,

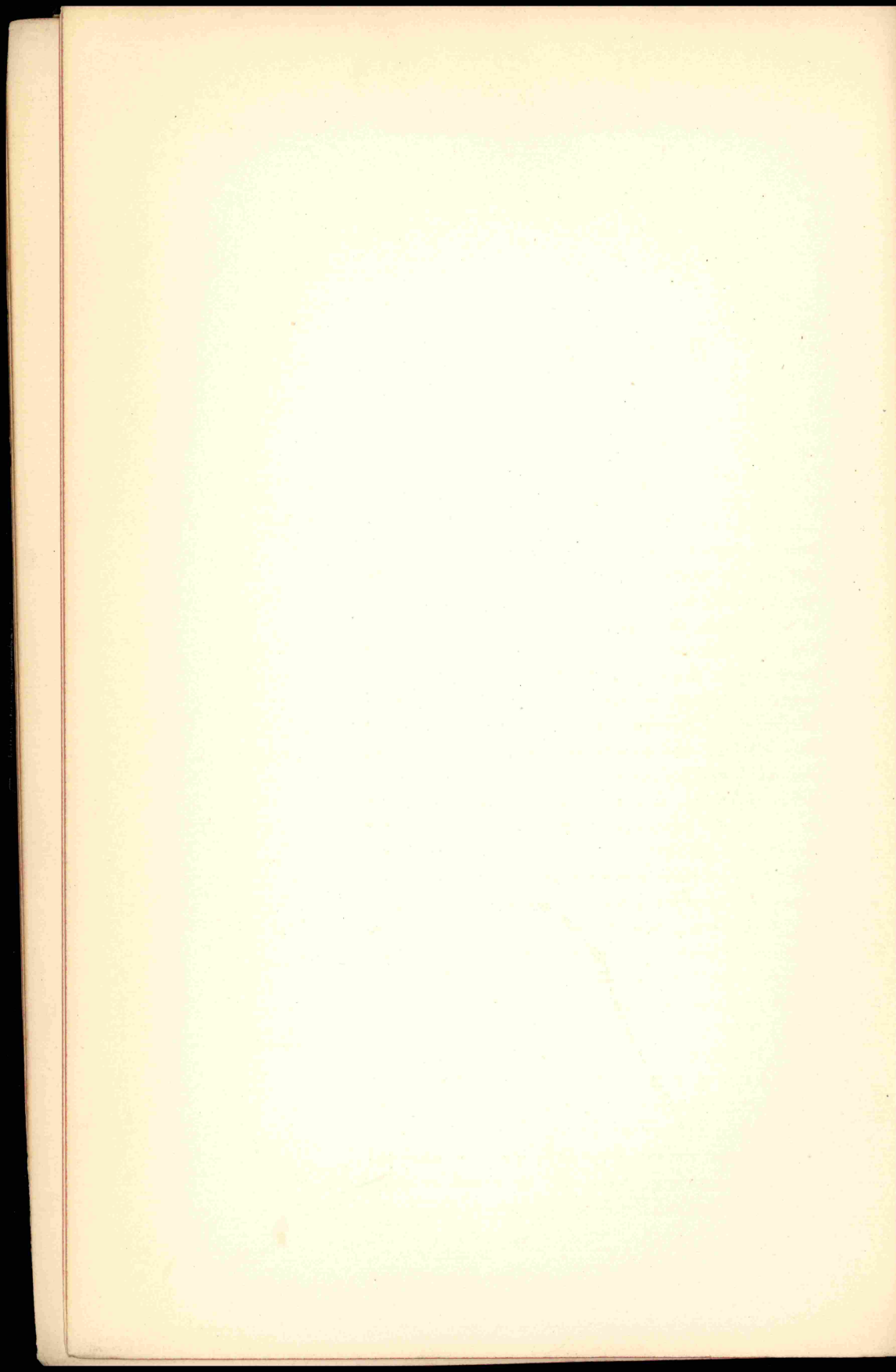
November 22, 1876.

AMENDED

AT

SUBSEQUENT CONVENTIONS.

1910.



Diocesan Canons.

CANON 1.

Of the Convention.

§ I. [1.] The Secretary of the Convention shall keep a register of all the Clergy in the Diocese entitled to seats or votes in this Convention, in the following manner: The Bishop, or when there is no Bishop, the Standing Committee shall, on the thirtieth day of April in each year, or one week before the day of meeting of a Special Convention, deliver, or cause to be delivered, to said Secretary, a certified list of all the Ministers of this Church canonically resident in the Diocese, annexing the names of their respective cures or other stations or engagements; also, in respect of those who have been ordained or received into the Diocese within the year immediately preceding, the dates of their ordination or reception; from which list, thus furnished by the Bishop or Standing Committee, said Secretary shall prepare, in conformity with Article 4, Section 2, of the Constitution, a roll or register of all the Clergy entitled to votes or seats in this Convention.

Of a list of
Clergymen in the
Diocese.

[2.] The roll thus prepared shall be *prima facie* evidence of the rights of Clerical members. Should any dispute arise, it shall be referred to a Committee appointed by the Convention, who shall decide and report on each case as early as may be; and the decisions thus made, if accepted by the Convention, shall not be called in question again during the same session.

The roll presumptive
evidence.

Of the Testimon-
ial of Lay
Deputies.

§ II. [1.] Lay Deputies to the Convention shall present certificates of their election in the following form :

(Name of the Church, the Place, and Date.)

This certifies that at a meeting of the Congregation of this Church, held for the purpose of electing Church Officers, and Deputies, and Alternate Deputies to the Diocesan Convention (or for the purpose of electing Deputies and Alternate Deputies to the Diocesan Convention *if the meeting be for that object alone*), A. B., C. D., and E. F., being Communicants of the Church in good standing, and qualified voters in this Parish (or Mission), were duly chosen as Deputies; and B. C., D. E., and F. G., also being communicants in good standing, and qualified voters in this Parish (or Mission), were duly chosen as Alternate Deputies to represent the Parish (or Mission), in that body for the year ensuing.

In testimony of which, I have hereunto set my hand (or if two Wardens subscribe, we have set our hands), the day and year above written.

This certificate in the case of a Parish shall be signed by the Rector, or the Secretary of the Vestry, or by the Wardens; and in the case of an Organized Mission by the Minister in charge, or by the Clerk, or by the Warden, and transmitted to the Secretary of the Convention, at least ten days before the meeting of the Annual Convention; and the above form shall be annually inserted in the printed Journal of the Convention. *Provided*, That where a congregation shall have been organized under Trustees, the certificate above described shall be signed by two Trustees in lieu of the Wardens.

[2.] If any of the Deputies elected be unable to attend the Convention, the Rector, or the Minister in charge of a Mission, or if there be no Rector, then the Wardens, or if it be a Mission, the Warden, may designate so many of the Alternate Deputies, beginning with the first name on the list, as may be necessary to insure a full representation of the Parish or Mission.

The Secretary to
prepare a roll.

[3.] From the said certificates of Lay Deputies the Secretary of the Convention shall prepare a roll of the Lay Deputies who appear to be entitled to seats and votes in the Convention.

The roll thus prepared shall be *prima facie* evidence of the rights of the Lay Deputies. But

should any dispute arise, it shall be referred to a Committee of one Clergyman and two Laymen appointed by the Convention, who shall decide and report on each case as early as may be; and the decisions thus made, if accepted by the Convention, shall not be called in question again during the same session.

§ III. It is declared to be the duty of every Clergyman and Layman having a seat in Convention, to attend every meeting thereof, or send a reasonable excuse for absence.

Of the Attendance of Members of Convention.

§ IV. Every Convention shall be opened with the celebration of the Lord's Supper, followed by the Bishop's charge, or such portions of the Bishop's Address as he may think best then to read. Episcopal Charges shall be published by the Convention, without any motion to that effect. The services at the opening of the Convention shall commence at 10 o'clock A.M., and the business of each day shall be preceded by prayer, the Bishop, or a minister of his appointment, officiating.

Of the opening of the Convention.

CANON 2.

Of Elections.

§ I. In all elections, those persons only who shall have a majority of all the votes cast shall be deemed elected.

A Majority necessary.

§ II. In all elections for which provision is not otherwise specifically made in the Constitution or Canons, the vote shall be by ballot; the Clergy voting individually, and the Lay Deputies by Parishes; and a majority of all the votes cast by both orders collectively shall be necessary to an election; provided, however, that by unanimous consent the ballot may be dispensed with, and an election may be made by *viva voce* vote.

Vote, how taken.

CANON 3.

Of the Office of Registrar.

§ I. There shall be appointed by the Convention a Registrar of the Diocese, to hold office until he

How appointed.

Duties.

shall resign, or until a successor be appointed, whose duty it shall be to collect and preserve papers, files, reports, journals, records and other documents relative to the history of the Church, the same to be the property of the Convention, and to be kept in some safe and accessible place, where the members of the Convention can inspect them.

To report to Convention.

§ II. He shall report annually to the Convention upon the condition of the various books and documents in his keeping, and what additions have been made.

CANON 4.

Of the Finance Committee, the Bishop's Salary, Expenses of the Convention, and of the Episcopal and Missionary Funds.

A Finance Committee to be appointed.

§ I. At every Annual Convention there shall be appointed a Finance Committee, consisting of the Bishop, the President of the Standing Committee and the Treasurer of the Convention, *ex-officio*, and five Laymen for the following purposes:

Duties.

(1.) To maintain general supervision of the financial affairs of the Convention; and to secure simplicity in collection and disbursements of all funds, and co-operation in all the financial affairs between the various trusts and boards of the Convention; for which purposes it shall establish its own rules and keep a record of its meetings, all which shall be submitted to the annual Convention. *Dioc*

(2.) To make an assessment on the Parishes and Diocesan Missions for the following purposes:

- (a) The support of the Episcopate until such time as the Convention may determine that such assessment may be discontinued.
- (b) Diocesan Missions. *Expenses included*
- (c) Diocesan expenses, including any quota of the expense of the General Convention, expenses of this Convention, expenses of the Standing Committee, the

printing and distribution of the Journal, rent of offices, salaries of secretaries and employees, and all other expenses of administration of the Diocese.

(3.) To perform such other duties relating to the business affairs of the Convention as may from time to time be referred to it.

§ II. [1.] There shall be an assessment at a uniform rate for the purposes named in the preceding section on every Parish and Diocesan Mission in the Diocese, based upon the current expenses of each Parish and Diocesan Mission, as shown by their parochial report. For the purpose of determining the basis of assessment, current expenses are hereby declared to include all the ordinary expenses of the Parish or Mission, whether voted by the Vestry, paid for by personal subscriptions, or received in donations, viz.:

Diocese
Assessment.

- (a) Salaries of Clergymen and all employees, deducting rent of Rectory, if paid.
- (b) Salaries of choir-master, organist and choristers; care of the organ and any other expenses connected with the music.
- (c) Fuel, light, and power, including water.
- (d) Insurance; interest on temporary notes and loans.
- (e) Ordinary current expenses and repairs.

Basis of Assessment.

The rate of assessment shall be determined each year by the Finance Committee. The assessment roll shall show the portion of the rate for each of the objects for which the assessment is laid. All Parishes hitherto exempt from assessment for the Episcopal Fund shall not be required to pay that portion of the assessment due to the rate for Episcopal support. All Parishes hitherto entitled to a credit on moneys paid to the Episcopal Fund shall be credited with interest on the amount so paid at 5 per cent. which credit shall be deducted from that portion of the assessment due to the rate for Episcopal support.

Rate of Assessment.

Parochial
Report.

(2.) The parochial report of each Parish and Diocesan Mission shall be in the hands of the Bishop on the first day of the Convention, or in default thereof the current expenses of such Parish or Mission shall be estimated by the Finance Committee. *Feb*

Assessment
Roll.

(3.) The Finance Committee shall meet within 10 days after the adjournment of the Convention, and shall prepare an assessment roll based on the current expenses as reported or estimated, and shall fix the rate of assessment. A notice of the amount of the current expenses and the assessment in the case of each Parish and Diocesan Mission shall be sent to the corporate authorities, Warden or Missionary in charge, before June 15th, which notice shall cite said Parish or Diocesan Mission to appear before the Board of Adjustment and show cause, if any, why said assessment should not be confirmed.

Payment of
Assessment.

(4.) The assessment so laid by the Finance Committee shall be deemed to be confirmed unless the Board of Adjustment take action thereon before July 1st; but nothing herein is to be held as preventing said Board from correcting said assessment at any time after that date.

*monthly*Penalty for
Non-payment.

The amounts of assessment as so confirmed shall be charged by the Treasurer of the Convention against each Parish and Diocesan Mission, and shall be paid by said bodies to the Treasurer quarterly on the 1st day of July, October, January and April, and it shall be the duty of the Treasurer to attend to the collection of the same. It shall be the further duty of the Treasurer to report to the Secretary of the Convention the names of all Parishes and Diocesan Missions that have failed for two successive years to pay ~~the interest due on the Parish bonds,~~ or the sum assessed against such Parish or Diocesan Mission for Diocesan purposes. It shall be the duty of the Secretary to omit the names of the Lay Deputies of Parishes and Diocesan Missions

thus reported from the voting list of the Convention.

8- § III. There shall be a Board, to be known as the Board of Adjustment, consisting of the Bishop of the Diocese, *ex-officio*, three Clerical and three Lay members (not necessarily delegates to the Convention). The Clerical and Lay members shall be appointed by the Bishop; they shall meet within twenty days after the adjournment of the Convention for the purpose of organization, election of Secretary, and the adoption of such rules of procedure as they may deem advisable. At the first meeting they shall divide themselves into three classes of two members each (one Clerical and one Lay) whose term of office shall expire in one, two, and three years respectively thereafter; that is to say, one class at the end of the Convention year 1910, one in 1911, and one in 1912. At each annual Convention thereafter one Clerical and one Lay member shall be appointed for three years.

Board of
Adjustment.

It being the purpose of this Section to provide for an appeal and the revision of any assessment concerning which differences may arise in the process of collection of Diocesan obligations, therefore it shall be the duty of the Board of Adjustment to receive and consider any petition or request that may be presented to them as to any assessment levied or placed upon any of the Parishes or Diocesan Missions of the Diocese for any of the Canonical or Diocesan obligations; and, after hearing and considering the matter, to fix and adjust the same at an amount that shall be equitable and fair, all things considered, as between the Diocese and Parish or Mission. They shall certify the amount, so determined upon, to the Treasurer of the Convention and to the Finance Committee, who shall thereupon change their books to conform with the action of the Board and render bills for the revised amount.

Duties of
Board.

The Board shall have power to call before it the Treasurer of the Convention with his books and records.

Board may
remit.

The Board of Adjustment may, in their discretion, remit or postpone payment in whole or in part of any assessment or arrears thereof levied or laid upon any Parish or Diocesan Mission; or annual interest on any Parish bonds; which power is hereby expressly delegated to the Board. The Board of Adjustment shall report its actions each year to the Convention.

Powers of
Finance Com-
mittee.

§ IV. The Finance Committee shall have power to call before it the Treasurer of the Convention with his books and records, to afford information upon the finances of the Convention and his conduct of his office. It shall also designate the character of security to be exacted from the Treasurer of the Convention, and from the other treasurers over whom the Convention has jurisdiction, and provide for the cost thereof. It shall designate the depositories in which the funds, bonds and other valuable property in such treasurers' custody shall be deposited. It shall prescribe the method of accounting, of keeping vouchers and records of all funds of the Convention, and fix the compensation to be paid for all clerical duties performed in connection therewith. Whenever the Finance Committee deems it advisable, it may confer with the Standing Committee, the Trustees of the Episcopal Fund and Diocesan Properties, the Trustees of the Aged and Infirm Clergy Fund, the Board of Missions, the Board of Adjustment, and with any other Trustees or Boards of the Convention, and with its Auditing Committee, for the purpose of harmonizing and simplifying all the financial affairs and methods of the Convention and of the Diocese; and may in its discretion report the result of such conferences to the Convention. It shall have power to employ counsel.

Salary of
Bishop.

§ V. The salary to be paid to the Bishop, until otherwise ordered by the Convention, is hereby

fixed at six thousand dollars per annum and rent of Episcopal Residence until a suitable residence is provided.

§ VI. It shall be the duty of the Rectors and Ministers of the several Congregations of the Diocese to lay this Canon before their Vestries, and urge their co-operation in carrying out its provisions.

Duty of
Rectors.

§ VII. All Canons and parts of Canons inconsistent with and repugnant to this Canon be and the same hereby are repealed.

Repealer.

CANON 5.

Of Diocesan Missions.

§ I. The Bishop or Bishops, as the case may be, Clergy and Laity, in Convention assembled shall be the Missionary Council of the Diocese, and shall take up the consideration of all matters connected with the Missions of the Diocese immediately after the reading of the Minutes on the morning of the second day of the annual Convention.

Missionary
Council.

§ II. [1.] There shall be a Board of Missions and Church Extension which shall consist of the Bishop or Bishops, as the case may be; the Archdeacon or Archdeacons, if any be appointed as hereinafter provided for; all of whom shall be members, *ex-officio*; together with twelve Presbyters canonically resident in the Diocese, and twelve Laymen, communicants of the Church, elected as follows: The Convention, upon the adoption of this Canon, shall elect twelve qualified Presbyters and twelve qualified Laymen to serve as members of said Board, who shall hold office respectively for one, two, and three years, the assignment of term of office being made by lot in each Order respectively, and thereafter four Presbyters and four Laymen shall be elected each year for a term of three years.

Board of
Missions.

How elected.

All vacancies occurring in the Board may be filled by the Board until the meeting of the

Vacancies,
how filled.

annual Convention, and the Convention shall then fill the vacancy for the unexpired term.

Powers of
Bishop.

[2.] The Bishop, when present, shall preside at all meetings of the Board, and shall have the sole power of appointing Missionaries in the Diocese. During any vacancy in the Episcopate, or inability of the Bishop to act, the Board shall have power to appoint Missionaries.

Meetings of
Board.

§ III. The Board shall hold its first meeting as soon as may be possible after the adjournment of the Convention, on call of the Bishop, and shall hold subsequent meetings at its own discretion, or at the call of the Bishop through its Secretary; shall elect its own President, Secretary, and Treasurer; and make by-laws for its own guidance.

Powers of the
Board.

§ IV. [1.] The Board, with the concurrence of the Bishop, shall designate its Mission Stations throughout the Diocese, and take proper measures to provide and apply the funds necessary for their support; shall have general jurisdiction in all financial and secular interests pertaining to the Missionary work of the Diocese, subject to such civil and ecclesiastical provisions as may otherwise be made and applicable thereto; shall have the sole power to draw warrants on the Missionary funds of the Diocese, and may adopt measures for the increase of those funds; may, with the approval of the Bishop, appropriate money for purposes other than Missionaries' salaries in aid of the Missionary work of the Diocese, and shall perform such other duties as may be required by Canon or by resolution of the Convention.

Shall have
power to
purchase
ground, etc.

[2.] The Board, with the concurrence of the Bishop, shall have power to purchase ground and erect Mission buildings thereon, and to assist Organized Missions in purchasing ground and in erecting such buildings;

Provided, That the Board shall not incur any indebtedness for the foregoing purpose, and that the title to the real estate shall be vested in the

Trustees of the Episcopal Fund and Diocesan Properties.

[3.] The Board shall have power to receive and collect money for the purposes herein specified.

§ V. [1.] A Diocesan Archdeacon may be appointed by the Bishop, subject to confirmation by the Board. His salary shall be fixed by the Board, to be paid out of the Missionary funds of the Diocese.

Diocesan
Archdeacon.

He may be removed by the Bishop at any time, on three months' notice previously given.

[2.] The duties of the Diocesan Archdeacon shall be those of a General Missionary in the Diocese under the direction of the Bishop. He shall receive for travelling and other necessary expenses such sum per annum as the Board shall determine.

Duties.

[3.] The Bishop may also appoint annually one or more District Archdeacons who, under his direction, shall have supervision of the Missions in such district or districts as shall be allotted to him or them by the Bishop. Such Archdeacon or Archdeacons shall, when required, report to the Board the condition of the Missions under his or their charge, together with such suggestions as he or they may desire to offer.

District
Archdeacons.

§ VI. The Board shall make a report of its proceedings to the Annual Missionary Council, such report to contain the names of all Mission Stations in the Diocese, together with such other information and suggestions as it may deem desirable, or the Council may request.

Board to make
report.

§ VII. Every Minister having charge of a Parish or Mission within the Diocese shall, on at least one Sunday in each year, hold a service in which the subject of Missions and Church Extension in the Diocese shall be distinctly set forth, and such information be given as may quicken interest in this work.

Duties of
Ministers.

§ VIII. It shall be the duty of the Trustees of the Episcopal Fund and other Diocesan Properties, to pay over to the Treasurer of the Convention

Duties of
Trustees.

the interest of the Permanent Missionary Fund, and said interest shall be applied to Missionary work in the Diocese as the Bishop by written order to said Treasurer may direct.

CANON 6.

Of the Parish.

Of Parochial
Registers and
Reports.

Annual Report
to be made to
the Bishop.

§ I. [1.] In every congregation the Church Wardens shall provide a proper book, in which the Minister, or if the Parish be vacant, one of the Wardens, shall record the name and date of the birth of the child baptized, with the names of the parents and sponsors, the name of the adult baptized, the names of all persons married and buried, together with a list of all the Communicants in the Parish, and also a list of the persons confirmed, with the date of every event recorded; all of which shall be under the signature of the person recording. From this register there shall annually be presented to the Bishop, on or before the first day of the Convention, by the Minister, or if there be no Minister, by one of the Wardens, an accurate statement of the number of baptisms, marriages, funerals, and persons confirmed and admitted to the Holy Communion since the last like report. He shall also report the condition of the Sunday-schools in his Parish; and the amount contributed for the poor; for Missions, Diocesan, Domestic and Foreign; for Parochial Schools; for the support and current expenses of the Parish; and for Church purposes in general; and also the number, if any, of free sittings in each Church, with the method of its support; together with such other particulars as may throw light on the condition of the Parish. And this statement, or such parts thereof as shall be approved by the Bishop, shall be entered and published in the Journal of the Convention.

If Neglected.

[2.] In order to secure a full and accurate view of the state of the Church, in case a proper report be not made according to the Canons of

the General Convention on this subject, by the Minister or other proper authority of any Parish, it shall be the duty of the Convention to cause inquiry to be made into the condition of such Parish.

§ II. [1.] In every Church which is supplied by a Clergyman there shall be Divine Service on the day of the election of Church Officers, and immediately before the election is held.

Of the Election
of Church
Officers.

[2.] On the day fixed by the charter or certificate of incorporation, there shall be held annually a Parish meeting at which the qualified voters of the Parish shall elect, by a majority of votes cast, three Deputies and three Alternate Deputies to the Diocesan Convention; and shall also elect such number of Wardens and Vestrymen, and for such term or terms of office, as the charter or certificate of incorporation may provide. When the Rector by the Church Charter has the right to appoint one Warden he shall be called the Senior Warden, and only one Warden shall be elected.

[3.] At such annual meeting, and also at all special meetings of the Parish, the Rector shall preside with the right to vote, or in event of his absence, or if no Rector be settled in the Parish, the meeting shall choose one of the Wardens, or if neither of the Wardens be present, one of the Vestrymen, or if no Vestrymen be present, then some duly qualified voter, to act as Chairman, who shall be the judge of the qualifications of voters, shall receive the votes, and declare the result.

Presiding Officer.

[4.] The persons entitled to vote at such meeting shall be (1) baptized, (2) males, (3) of full age, and (4) of good moral character, who (5) profess to adhere to the Protestant Episcopal Church, and to no other religious body, and who (6) for six calendar months next before said meeting have been regular attendants at the services of the Church of said Parish, and who (7) for the said six months have been regular contribu-

Qualifications of
Voters.

tors to the current expenses of said Parish according to the mode or modes adopted therein by its Rector, Wardens and Vestrymen. No one shall be deemed a regular contributor for the purposes of this section who is in arrears in the payment of any portion of his contribution that may be due and payable on or before the first day of that month in which said meeting is held.

Recording of
Names of Contri-
butors.

[5.] It shall be the duty of the Treasurer of the Parish to record the names of such regular contributors to the support of the Parish, with the date of their contributions, in a book provided for that purpose, and such record shall be sufficient evidence as to this particular qualification of voters.

Qualifications of
Officers.

[6.] No person shall be eligible for the office of Deputy or Alternate Deputy to the Diocesan Convention, nor for the office of Warden, who is not a Communicant in good standing, and a qualified voter in the Parish holding the election. Nor shall any person be eligible for the office of Vestryman who is not a qualified voter in the Parish holding the election.

[7.] In Parishes which have charters wherein the qualifications of voters are prescribed, no provisions of this section that may conflict with such charter shall apply.

Of Vacant
Parishes.

§ III. On the organization of any new Parish in this Diocese, or on the occurrence of a vacancy in any existing Parish, it shall be the duty of the Wardens, or other officers of such Parish, to give immediate notice of the same to the Bishop; and until provision be made for the supply of the same, the Bishop may cause it to be supplied at his discretion, by Missionary services or otherwise.

CANON 7.

Of the Formation of New Parishes.

Consent of
Bishop required.

§ I. [1.] No new Parish shall be formed in this Diocese without the consent of the Bishop acting after consultation with the Standing Committee.

When the new Parish is to be established within the limits of any existing Parish or Parishes, the Bishop shall give thirty days' notice to the Parishes affected thereby, that such a new Parish is proposed, and that any objection to the formation thereof will be duly considered if submitted to the Bishop in writing.

Notice to be given.

[2.] The parties desiring to establish a Parish shall, in the application for the consent of the Bishop, lay before him a statement of their condition and prospect of maintaining such organization, and the name by which it is to be designated; which shall be signed by fifteen communicants, of whom five at least shall be male adults.

Consent of Bishop.

[3.] The consent of the Bishop for the formation of a new Parish shall be given in the following form.

DIOCESE OF NEWARK.

The formation of a new Parish in..... County of..... Diocese of Newark, to be known as.....Church, having been duly considered, I do hereby give my Canonical consent to the formation of said Parish.

Form of Consent.

Given under my hand this.....day of.....in the year of our Lord one thousand nine hundred and.....

Attest:.....

.....
Bishop of the Diocese.

Secretary of Standing Committee.

§ II. [1.] The written consent of the Bishop having been thus given to the proposed organization, further proceedings shall be had as follows:

Manner of Procedure.

Notice shall be given during public service at the usual place of worship on two successive Sundays next preceding the time of meeting, that all persons belonging to the Protestant Episcopal Church, or desirous of uniting with the same, will meet at a time and place specified, for the purpose of organizing a Parish, by the election of two Wardens, and such number of Vestrymen as may at that time be determined upon, by fixing upon a date for the annual meeting, and by the adoption of Articles of Association. This notice shall be given by the Minister in charge, if there

be one, and if not, by some Minister appointed by the Bishop to hold service and give the notice, and also to preside on the occasion of the meeting for organization.

[2.] At the time of the meeting, the Minister, as aforesaid, shall preside, a Secretary shall be appointed, a book provided for the Minutes, in which shall be first entered in full the notice to the Bishop, with the names attached to the same, the Bishop's approval of the organization, and a record of any other papers and action previously had, important in reference to the history of the organization. Entry shall also be made of the persons present and qualified to vote.

[3.] Every baptized male of full age, attached to the doctrine, discipline, and worship of the Protestant Episcopal Church, and a regular attendant at the services of said Church for three calendar months next before said meeting, shall be deemed a qualified voter for the purposes of this Canon.

[4.] The qualified voters present shall first decide by a majority vote the question of organization.

If the vote be in favor of organization, they shall next determine the name by which the proposed Parish shall be known, then they shall decide the date of the annual meeting of the Parish for the election of officers, and then proceed to elect two Wardens and either three, six, or nine Vestrymen, to serve until the next Annual Meeting or until their successors are elected.

The meeting shall then adopt Articles of Association in the following words:

Articles of
Association.

We, the undersigned, assembled for the purpose of organizing a Congregation and Parish of the Protestant Episcopal Church at....., in the County of....., and State of New Jersey, in the Diocese of Newark, the consent of the Ecclesiastical authority having been obtained, as provided by Canon, and due notice given of such intention by a notice given during public service at the usual place of worship on the two successive Sundays next preceding the time of meeting, designating the day and place aforesaid when and where they proposed to meet for that purpose, do hereby agree to organize a Congregation and Parish to be known as the

Rector, Wardens and Vestrymen of.....Church in....., County of....., and as such we do hereby acknowledge, accede to and adopt the Doctrine, Discipline, and Worship and also the Constitution and Canons of the General Convention of the Protestant Episcopal Church in the United States of America, and the Constitution and Canons of the said Church in the Diocese of Newark; and we further certify that at said meeting we did choose two Wardens, viz:, and....., to serve until the next Annual Meeting, or until their successors be chosen; and (three, six, or nine) Vestrymen, viz:.....to serve until the next Annual Meeting, or until their successors be chosen, and also did fix and determine upon.....in the week following the First Sunday in Advent, as the day on which the Annual Meeting of the Parish for the election of officers shall be held.

Witness the hands of the Chairman and Secretary of said meeting, and the hands of members of said Congregation, qualified voters at said meeting, this.....day of..... in the year of our Lord one thousand nine hundred and.....

[2.] A certified copy of their Articles of Association shall be laid before the Ecclesiastical authority of this Diocese by every Congregation desiring to be recognized as a part of the Church in this Diocese and subject to the Ecclesiastical jurisdiction thereof, and any Church so organized and recognized shall be an integral part of the Church in the Diocese, as soon as incorporated, whether admitted into union with the Convention or not. But no Church organized or incorporated without the Bishop's consent shall be or form any such integral part of the said Church of this Diocese.

Copy to be given
the Ecclesiastical
Authority.

CANON 8.

Of Parish Boundaries.

§ I. [1.] It shall be lawful for the Ministers of any two or more Parishes or Parochial Cures, or duly incorporated Congregations, to agree upon boundaries for their respective Parishes without regard to existing civil divisions; but the Parish boundaries thus agreed upon shall not be definitely settled until approved by the Bishop of the Diocese, acting with the advice and consent of the Standing Committee.

How Boundaries
may be fixed.

[2.] In cases where the Ministers of any Parishes, Parochial Cures, or duly incorporated Con-

gregations, howsoever situate with respect to each other, are unable or unwilling to agree upon boundaries for their respective Parishes, Cures, or Congregations, the Bishop and Standing Committee may, without regard to existing civil divisions, upon application of one of the Ministers, and upon proof or statement satisfactory to the Bishop and Standing Committee that such Minister has requested any other Minister or Ministers to join with him in assigning such boundaries, and that such other Minister or Ministers has or have refused or neglected for the space of sixty days to comply with his request, upon due notice to all the Ministers interested in the application, and after giving them an opportunity to be heard, proceed to define the boundaries of the Parishes involved in the application.

[3.] The Rector of a Parish may at any time apply to the Bishop and Standing Committee to have boundaries assigned to his own Parish, provided that such boundaries do not affect any other Parish.

Object of such
Boundaries.

§ II. The Parish boundaries thus constituted shall be valid for all canonical purposes, and also for fixing the Parochial connection of all persons desiring, or entitled to, the ministrations of this Church, who have not by some act of their own become attached to a Parish, and for defining for each Rector the extent of his responsibility for the cure of souls. But nothing in this Canon shall be construed to prevent any Clergyman of this Church from ministering privately to persons belonging to his own Parish in any occasional office of the Church, or from officiating publicly in any Cemetery or other place of burial.

May be changed.

§ III. Parish boundaries established under the provisions of this Canon may be changed from time to time by the joint action of the Bishop and Standing Committee, but no such change shall be made until all the Ministers whose Parishes are affected by it shall have had the opportunity of being heard in relation thereto.

CANON 9.

Of the Organization of Missions.

§ I. The Bishop, being the chief officer and head of the Church in his Diocese, to whom belongs, by virtue of his office, the duty of originating new Missions, appointing Ministers to carry them on, and giving them all encouragement in his power, may, at his discretion, establish Missions or Organized Missions at any point in this Diocese, thirty days' notice of his intention being given to the Parishes affected thereby, that their objections, if any be made, may be duly considered; and if objections be made, the Bishop shall not act finally until after consultation with the Standing Committee.

The Bishop may establish Missions.

§ II. If it be deemed desirable to form an Organized Mission, the mode of doing so shall be as follows:

Mode of Procedure.

[1.] The following application shall be sent to the Bishop:

To the Right Reverend, Bishop of the Diocese of Newark:

We, the undersigned, residents in or near the of, county of, in the Diocese of Newark, being desirous of obtaining the ministrations of the Protestant Episcopal Church, do hereby unite in the organization of a "Mission" of the said Church. We hereby place ourselves under the jurisdiction of the Ecclesiastical authority of this Diocese, promising obedience to the Constitution and Canons thereof, and to those of the General Convention of the Protestant Episcopal Church, and ask to be received as an "Organized Mission," under the name of "The Mission of" . Furthermore we agree to pay from this Mission and for its support, to the Treasurer of the Mission, for this year \$....., and thereafter a sum to be stated to the Bishop at each Convention.

This application must be signed by those who propose to be the members of the "Mission," of whom not less than three shall be male adults, and at least five shall be confirmed and actually communicants of this Church.

[2.] If the Bishop give his consent, he shall indorse it upon this "application," and the original application thus indorsed, or a certified copy thereof, shall be sent to the Secretary of the Diocese, who shall file the same among the records

The Bishop to
appoint a
Warden.

Election of
Officers.

The Bishop to
appoint the
Missionary.

Real Estate, how
vested.

Boundaries may
be assigned.

of the Diocese, and record the fact of such organization in a proper book.

[3.] The Bishop shall appoint some male adult communicant who shall have signed the application, to be the Warden of the Mission, to hold office at the discretion of the Bishop.

[4.] The Warden shall immediately call a meeting of all those adults who may have signed the "application" aforesaid, to elect (to serve until their successors be chosen) a Clerk and a Treasurer; the meeting may also elect not more than six members, qualified voters in the Mission, who, together with the Warden, Clerk, and Treasurer, shall form an Executive Committee thereof; and all elections for such officers shall be held annually thereafter, on Monday in the week beginning with the First Sunday in Advent, or such other day in said week as the Bishop shall appoint; those baptized male adults who have given in their names to the Warden, as members of the Mission, and have also contributed to its support, being entitled to vote. Notice of the election shall be given at least ten days previous thereto, by affixing the same at the door of the place of worship.

§ III. The Bishop after consultation with the officers, may appoint some Minister of this Church as "Missionary," who shall have the same charge and control of the "Mission" as a Rector has of a parish; but the Bishop shall have power to withdraw such appointment, three months' previous notice being given.

§ IV. The title of all real estate given to or purchased by such "Organized Mission" shall be vested in the Trustees of the Episcopal Fund, to be held in trust by them until the Mission become a duly incorporated Parish, as provided for in Canon 7, on the "Formation of New Parishes."

§ V. The Bishop acting with the advice and consent of the Standing Committee, may at any time assign the Boundaries of such Mission or Organized Mission, thirty days' notice of his intention being given to the Parish or Parishes within

which it is proposed to assign such boundary, that the objections, if any, may be duly considered.

CANON 10.

Of the Commission on Church Architecture.

§ I. There shall be a Commission of the Diocese, to be known as the Commission on Church Architecture, which shall consist of the Bishop, together with two Clergymen and two Laymen to be appointed annually by him.

Commission,
how composed.

§ II. It shall be the duty of every Mission receiving aid from the Diocese to lay before this Commission the plans of any new church or chapel, or of proposed changes in the construction of any existent church or chapel, and no such work of erection or change shall be undertaken until the said plans have received the approval of the Commission.

Duty of
Missions.

§ III. It shall be the duty of every Parish, by its Rector, Wardens and Vestrymen, to lay before this Commission the plans of any new church or chapel, or of proposed changes in the construction of any existent church or chapel, for their counsel and advice; which counsel and advice shall be given in writing within one calendar month after the receipt of the said plans.

Duty of
Parishes.

CANON 11.

Of the Ecclesiastical Court.

§ I. There is hereby established for this Diocese a Court to be known as the Ecclesiastical Court, for the trial of a Clergyman not a Bishop, and constituted as follows: The Convention, upon the adoption of this Canon, shall elect six Presbyters canonically resident within the Diocese to serve as members of said Court, who shall hold office respectively for one, two, three, four, five, and six years, the assignment of term of office being made by lot, and thereafter one Presbyter shall be elected each year for a term of six years.

How elected.

Officers. § II. It shall be the duty of the members of the Court to convene immediately after their election at a time and place to be appointed by the Bishop. They shall elect from their own number a President, and shall appoint a Clerk who shall within five days after such election notify the Bishop of the name of the person chosen President.

Vacancies, how filled. § III. (i) Vacancies occurring in this Court when the Diocesan Convention is not in session, shall be filled by the Standing Committee until the next meeting of the Convention, which shall then fill the vacancy for the unexpired term.

Quorum. (ii) Not less than four members of said Court shall constitute a quorum, but any less number may adjourn the Court from time to time.

§ IV. If, in a proceeding before said Court, the President is disqualified, or is for any cause unable to act in the case, the Court shall elect a President *pro tempore*.

Lay Assessor. § V. (i) The Convention shall also elect a Lay Assessor, who shall be a communicant of the Church in good standing, learned in the law, and a resident of this Diocese; he shall hold office for the term of three years.

(ii) A vacancy occurring in the office of Lay Assessor when the Convention is not in session, shall be filled by the Standing Committee until the next meeting of the Convention.

Duties of Lay Assessor. (iii) It shall be the duty of the Lay Assessor to sit with the Court upon the trial of a case, to advise the Court upon all questions of law that may arise on any hearing or trial, and to perform such other duties as may hereafter be designated by Canon, but his presence shall not be necessary to constitute the Court, and if he sit with the Court, he shall have no vote. Should the Lay Assessor, however, be interested in any trial in such a manner as to render him liable to challenge for cause, the Standing Committee shall appoint a Lay Assessor *pro tempore* to sit upon such trial.

CANON 12.

Of Proceedings in the Case of a Clergyman not
a Bishop, Accused by Public Rumor of
offences for which he may be Tried.

§ I. When a Clergyman is accused by public rumor of an offence or offences for which he may be tried and punished, according to Canon 23 of the Digest, the Bishop, or if there be no Bishop, the Clerical members of the Standing Committee, may appoint not less than three, nor more than five Presbyters of the Diocese, not members of the Ecclesiastical Court or of the Standing Committee, to make such investigation as may satisfy them of the innocence of the accused, or of the sufficiency of ground for presentment and trial, and report in writing the results, in detail, of such investigation. Should the report of the Investigation Committee be such as in the judgment of the Bishop, or if there be no Bishop, then of the Clerical members of the Standing Committee, to render a trial advisable, proceedings for such trial shall be taken according to Canon 13.

Committee of
Investigation.

Report.

§ II. Any Clergyman of this Diocese so accused may, for himself, request of the Bishop, or, if there be no Bishop, of the Clerical members of the Standing Committee, the inquiry provided for in this Canon, in which case it shall be instituted, and shall proceed according to its provisions.

Any Clergyman
may request
inquiry.

CANON 13.

Of the Presentment and Trial of a Clergyman,
not a Bishop.

§ I. An accusation may be made to the Bishop of the Diocese, against a Clergyman canonically resident in the Diocese of Newark, for a violation of any Canon of the General Convention, or any Canon of this Diocese, or for any offence specified in such Canon or Canons, by the major part in number of the members of the Vestry of any

Accusation,
how made.

Investigation
Committee.

Church of which the accused is or has been a Minister, or by any two Presbyters of this Diocese, in writing over their respective signatures; or in case of alleged misconduct in another Diocese, by the Ecclesiastical Authority of that Diocese. If the Bishop shall decide that the charge demands investigation, he shall appoint two Presbyters of the Diocese, not members of the Ecclesiastical Court or of the Standing Committee, to investigate such accusation and report to him in writing the results, in detail, of such investigation.

Report of
Committee.

§ II. Should the report of the Investigating Committee be such as in the judgment of the Bishop to render a trial advisable, he shall forthwith appoint a layman, who shall be a communicant of the Church in this Diocese in good standing and learned in the law, as Church Advocate, whose duty shall be to conduct the trial on the part of the Diocese, and who shall forthwith draw the presentment in writing, charging the accused Clergyman (hereinafter called the defendant), with the offence or offences set forth in the report of the Investigating Committee, and stating particularly the law or laws of the Church alleged to have been violated, and the act or acts of commission or omission alleged to constitute such violation of the law or laws of the Church.

The Church Advocate shall deliver the presentment to the Bishop to be forwarded by him to the President of the Ecclesiastical Court.

Presentment,
how served.

§ III. The Church Advocate shall then cause a copy of the presentment to be served upon the defendant, either personally, or by leaving a copy with an adult member of his family at his residence, together with a citation, requiring the defendant to appear in person before the Ecclesiastical Court, at such place as may be fixed by the President of said Court on a day and at an hour named in the citation, which shall not be less than thirty nor more than sixty days from the date of service. If the Church Advocate

shall show to the satisfaction of the President of the Court that, by reason of the absence of the defendant from the Diocese, a service as herein required cannot be effected, the President of the Court may then order that service be made by leaving the citation and a copy of the presentment at the defendant's last place of abode within the United States, at least thirty days before the day of appearance named therein, and by mailing copies thereof by registered mail to his last known place of abode.

§ IV. (i) If the defendant shall make default in appearance at the day and hour named in the citation, or fail to show to the Court sufficient reason for such failure to appear, the Court may nevertheless proceed as if he were present.

Default of Defendant.

(ii) If the defendant shall by his plea or answer confess his guilt, and submit himself to the godly judgment of the Bishop, the Court shall so certify to the Bishop, and the Bishop shall, in his discretion, impose sentence in accordance with the provisions of the Canons of the Digest.

Confession of guilt.

§ V. The Court may establish rules of procedure not inconsistent with the Constitutions and Canons of this Church, with power to alter or rescind the same, including the power of taking the evidence of witnesses whose attendance in person cannot be procured. Until, and unless otherwise provided, the rules of procedure on the trial shall be the same, *mutatis mutandis*, as those provided by Canon 26 of the Digest relating to the trial of a Bishop.

Rules of procedure.

§ VI. The Church Advocate and the defendant, each or either of them, shall be entitled to challenge for cause any member of the Court.

Challenges.

§ VII. If by reason of such challenge, or from any other cause, a vacancy shall happen during a trial in the membership of the Court, the trial shall proceed, provided the Court shall not be reduced to less than four members, in which case, the vacancy shall be filled by appointment of the

Vacancies, how filled.

Decision of
Court.

Standing Committee, as hereinbefore provided, and the trial shall then begin *de novo*.

§ VIII. (i) The Court, having fully heard the allegations and proofs of the parties, and having deliberately considered the same, every member of the Court sitting in the cause shall declare whether in his opinion the defendant is guilty or not guilty, and with respect to each particular charge and specification contained in the presentment; and the defendant shall be deemed not guilty upon every charge and specification upon which he shall not be pronounced guilty by a majority of the members of the Court sitting in the cause.

Decision to be
reduced to
writing.

(ii) The decision of the Court as to all charges and specifications shall be reduced to writing, and signed by those who assent to it, and this decision so signed, shall be the judgment of the Court. A true copy of such judgment shall forthwith be served upon the defendant; and the original judgment, together with the record of the case, and the recommendation of the Court as to the sentence, if any, to be imposed upon the defendant, shall without delay, be transmitted to the Bishop.

Pronouncement
of sentence.

§ IX. If the Court find a judgment of guilty, the Bishop shall not pronounce sentence upon defendant until after the expiration of thirty days from the date of service of the notice of judgment upon the defendant. If at the expiration of the said thirty days the defendant shall have failed to serve notice of appeal from the finding of the Trial Court, as provided in Canon 29 of the Digest, the Bishop shall within six months pronounce such canonical sentence as shall appear to him to be proper; provided the same shall not exceed in severity the sentence recommended by the Court. If the Court shall have failed to recommend any specific sentence, the Bishop shall impose such sentence as he may deem fit in accordance with the Canons of the Digest; and when a specific sentence other than

that of deposition be recommended, the defendant shall not be deposed for the cause for which he has been tried, even though said defendant ask for deposition.

§ X. Whenever the office of Bishop is vacant, the functions of said Bishop under this Canon shall be performed by a Bishop to be selected by the Standing Committee.

§ XI. The expenses accruing in the trial of a Clergyman, and authorized by the Court, shall be paid out of the Convention Fund of the Diocese upon the order of the President of the Court.

Expenses,
how met.

CANON 14.

Of the Fund for Aged and Infirm Clergymen.

§ I. It shall be the duty of every Minister having charge of a congregation of this Diocese to make at least one annual collection for the relief of Clergymen disabled by age or disease or accident.

Annual
collection.

§ II. All collections received for this object shall be transmitted to the Treasurer of the Convention, and paid out by him on the order and in the manner directed by the "Trustees of the Fund for Aged and Infirm Clergymen."*

§ III. All collections and other income received during the Conventional year, shall be subject to the order of "The Trustees of the Fund for Aged and Infirm Clergymen," and may be appropriated by said Trustees for the relief of Clergymen disabled by age, accident or disease, who have been canonically connected with the Diocese for the two years immediately preceding their application for relief, and have spent at least two successive years within the limits of the Diocese in the active discharge of the duties of the Ministry, or in the work of Christian Education;

How appropri-
ated.

*In 1885 the Standing Committee reports to the Convention, "That in accordance with its instructions as contained in a resolution passed at the Annual Convention of 1884, the Bishop of the Diocese, for the time being, and the members of the Standing Committee, for the time being, have been duly incorporated as 'Trustees of the Fund for Aged and Infirm Clergymen.'"—(Journal 1886, p. 35.)

but such appropriations shall cease on the canonical transfer of the Clergyman to another Diocese.

Special
Annuitants.

Clergymen to whom appropriations are made under this Section shall be known as "Special Annuitants," and divided into these four classes:

Class First. Those who have served as aforesaid, within the limits of what is now the Diocese, for twenty consecutive years. To each Clergyman of this class there may be appropriated during the pleasure of the Trustees not more than six hundred dollars in any one year.

Class Second. Those who have served as aforesaid, within the limits of the Diocese, for fifteen consecutive years. To each Clergyman of this class there may be appropriated as aforesaid not more than five hundred dollars in any one year.

Class Third. Those who have served as aforesaid, within the limits of the Diocese, for ten consecutive years. To each Clergyman of this class there may be appropriated as aforesaid not more than four hundred dollars in any one year.

Class Fourth. Those who have served as aforesaid, within the limits of the Diocese, for two consecutive years. To each Clergyman of this class there may be appropriated as aforesaid not more than three hundred dollars in any one year.

* This amendment shall not apply to present annuitants.

Funeral Ex-
penses.

§ IV. The said Trustees shall have power to order paid out of the collections received during the year, or out of the income of the Permanent Fund, a sum not exceeding seventy-five dollars, towards defraying the funeral expenses of any Clergyman of the Church, canonically connected with this Diocese.

Permanent Fund.

§ V. All appropriations (unless otherwise ordered) shall be payable quarterly, on the first days of May and August and November and February; and all moneys unappropriated at the end of each conventional year shall be paid into a Fund which shall be known as the "Permanent Fund", and shall be kept safely invested by the Trustees of the Fund for Aged and Infirm Clergymen.

§ VI. All legacies, and all donations limited by the donor, paid to the Trustees shall be used and applied by them agreeably to the terms and provisions under which the money is received; and

* This amendment, dividing "Special Annuitants" into four classes was adopted in 1891. (Journal 1891, p. 91.)

when not otherwise directed by the donor, the legacy or donation shall be added to the "Permanent Fund," and the income thereof alone used.

The "Permanent Fund" having already reached the sum of thirty thousand dollars (\$30,000) the Trustees out of the income of the same may grant an annuity to every Clergyman who (1) has reached the age of sixty-five years, and (2) has made written application to the Trustees of the said Fund for such annuity, and (3) has been canonically connected with the Diocese for the five years immediately preceding his application for an annuity, and (4) has been for at least five years of his last term of canonical residence a settled Minister of the Diocese, or a Missionary duly appointed by the Ecclesiastical Authority.

Clergymen receiving an annuity under this Section, which shall in no case exceed one thousand dollars, shall be known as "Regular Annuitants".

Annuities to be paid when the Fund amounts to \$30,000.

CANON 15.

Of the Fund for Widows and Orphans of Clergymen.

§ I. It shall be the duty of every Minister having charge of a congregation in this Diocese to make at least one annual collection or donation for the relief of widows and orphans of Clergymen.

Annual Collection.

§ II. All contributions and donations for this object shall be transmitted to the Treasurer of the Convention, specifying distinctly that they are designed for the Fund for Widows and Orphans of Clergymen. The Treasurer shall acknowledge their receipt, and notify the Trustees of the Fund for Aged and Infirm Clergymen thereof, and deliver the same upon their order. Said Trustees shall be the Trustees of this Fund.

Contributions, where sent.

§ III. All collections and donations received during the Conventional year shall be subject to the order of said Trustees, and may be appropriated for the relief of widows and orphans of Clergymen who have been canonically connected

How Appropriated.

with this Diocese for the two years immediately preceding their death, and have spent at least two successive years within the limits of this Diocese in the active discharge of the duties of the ministry or in the work of Christian Education.

Unappropriated
Moneys.

§ IV. All appropriations (unless otherwise ordered) shall be payable semi-annually on the first days of May and November, and all moneys unappropriated at the end of each conventional year, shall go to form a principal sum or fund which shall be safely invested by said Trustees, and held by them in trust, to pay so much of the net income thereof as they may think advisable, for the relief of the widows and orphans of deceased Clergymen, who are by the next preceding section entitled to the benefits conferred by this Canon, and add the residue, if any, to said principal.

Disposition of
Limited Legacies.

§ V. All legacies, devises and gifts limited by the donor, paid or made to said Trustees or their Treasurer, shall be used and applied by them agreeably to the terms and provisions under which the money or property is received, and when not otherwise directed by the donor, the legacy, devise or donation shall be added to said principal, and the income thereof alone used.

Action of
Trustees.

§ VI. The Trustees for the Fund for Aged and Infirm Clergymen may take any steps that may be necessary to enable themselves to receive, hold and apply the said money and property to the use mentioned in this Canon, if they are not now legally competent to do so.

CANON 16.

Of Scholarships in the General Theological Seminary.

Scholarships.

The Bishop of the Diocese, or, in case of a vacancy in the Episcopate, the Standing Committee, shall have the power of nominating a candidate for Holy Orders on any scholarship or scholarships which are or may hereafter be founded by this Convention in the General Theological Seminary of the Protestant Episcopal Church.

CANON 17.

Of Alterations in the Canons and Additions
Thereto.

§ I. No proposed alterations of or additions to the Canons shall hereafter be considered by the Convention, unless at least one day's previous notice thereof be given in open Convention, and until such alteration or addition shall have been referred to and reported upon by a Standing Committee on Constitution and Canons, which Committee shall consist of five persons, and shall be appointed by election, as early as may be, in each session of the Convention.

Alterations and Additions.

Committee on Constitution and Canons.

§ II. In all cases of future enactment, the same, if by way of amendment of an existing provision, shall be in the following form: "Canon —, Section —, Clause —, is hereby amended so as to read as follows:" And if the enactment is of an additional Clause, Section, or Canon, it shall be designated as the next Canon, or next Section, or next Clause of a Canon or Section, in the order of numbering; and if a Canon or Section or Clause be stricken out, the existing numbering shall be retained until a new edition of the Canons be directed.

Future Enactments or Amendments.

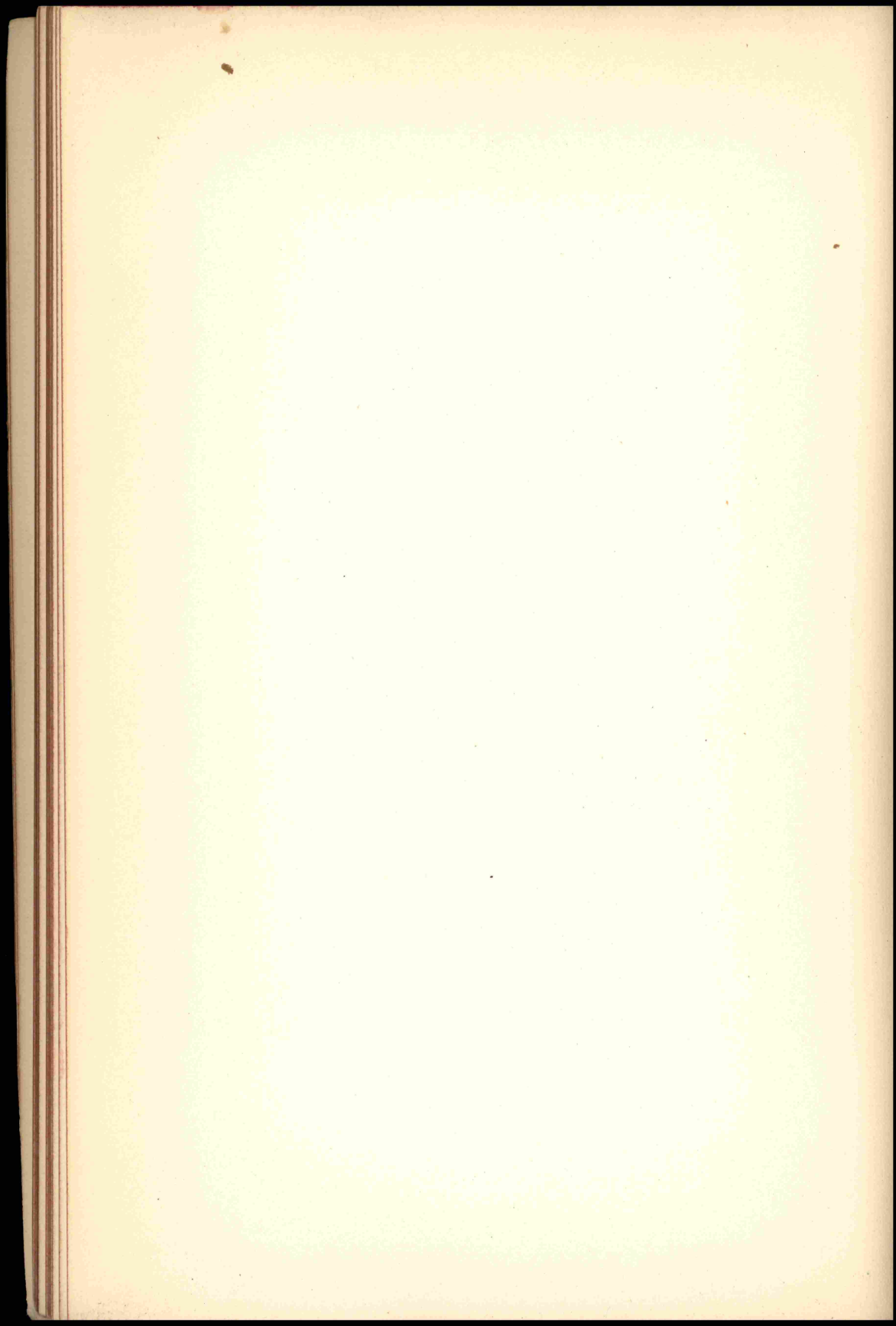
§ III. All new Canons and Amendments to Canons shall take effect on the first day of September following the adoption thereof, unless it be otherwise ordered by the Convention.

When to take effect.

CANON 18.

Repealing Former Canons.

All former Canons of this Convention are hereby repealed.

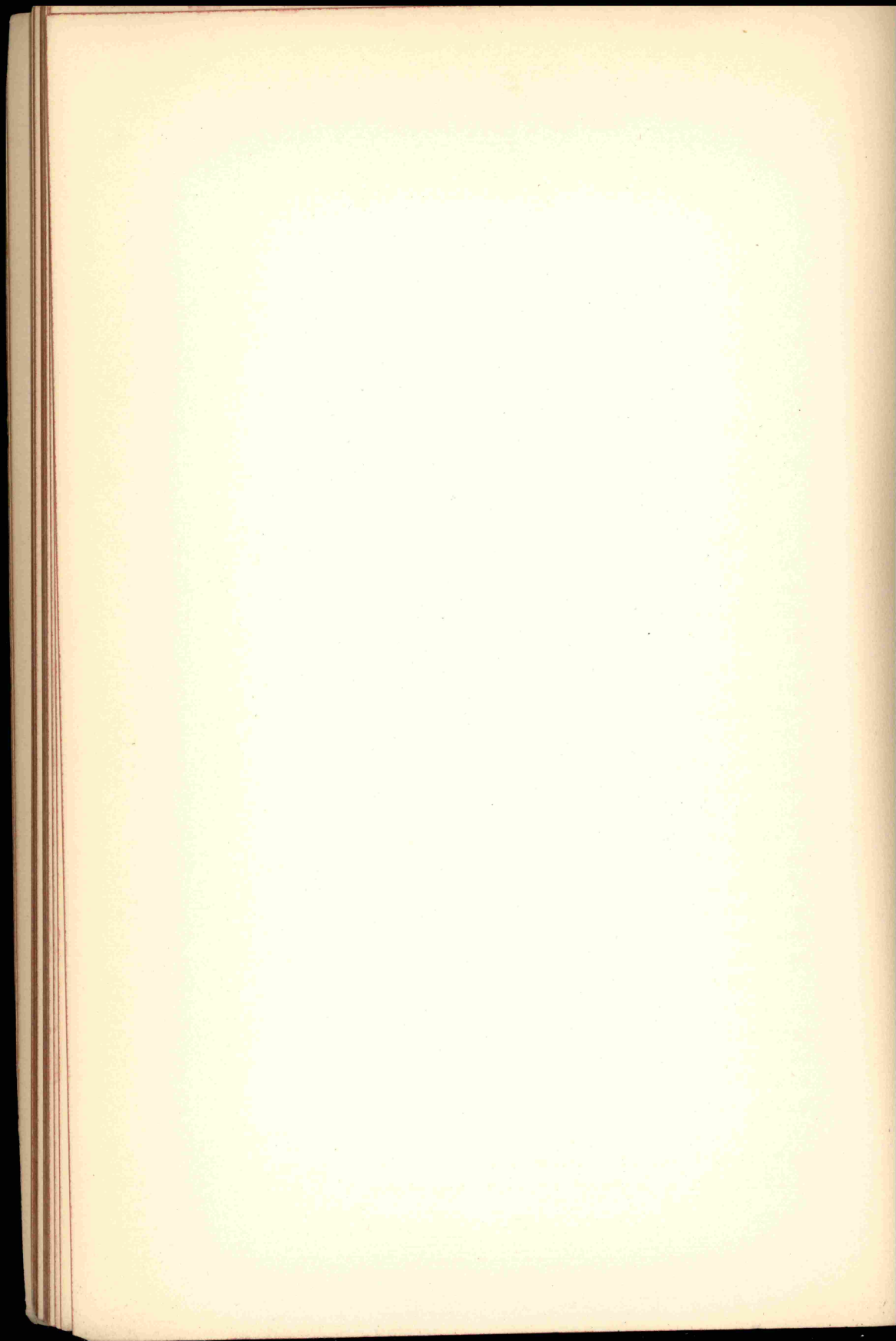


Part II.

CONSTITUTION OF
THE GENERAL CONVENTION

AND

EXTRACTS FROM THE
CANONS OF
THE GENERAL CONVENTION.



GENERAL CONVENTION.

CONSTITUTION

ADOPTED IN GENERAL CONVENTION,

IN PHILADELPHIA, OCTOBER, 1789,

AS AMENDED IN SUBSEQUENT GENERAL CONVENTIONS.

ARTICLE I.

§ 1. There shall be a General Convention of this Church, consisting of the House of Bishops and the House of Deputies, which Houses shall sit and deliberate separately; and in all deliberations freedom of debate shall be allowed. Either House may originate and propose legislation, and all acts of the Convention shall be adopted and be authenticated by both Houses.

General
Convention.

§ 2. Every Bishop of this Church having jurisdiction, every Bishop Coadjutor, and every Bishop who by reason of advanced age or bodily infirmity has resigned his jurisdiction, shall have a seat and a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Foreign Missionary Bishops and of Bishops who have resigned their jurisdictions, shall be necessary to constitute a quorum for the transaction of business.

House of
Bishops.

Quorum.

§ 3. The Senior Bishop of this Church in the order of consecration, having jurisdiction within the United States, shall be the presiding Bishop of the Church. He shall discharge such duties as may be prescribed by the Constitution and the Canons of the General Convention. But if the Presiding Bishop shall resign his office as such, or if he shall resign his episcopal jurisdiction, or if by reason of infirmity he shall become dis-

Presiding
Bishop.

CONSTITUTION OF THE

abled, the Bishop next in seniority by consecration, having jurisdiction within the United States, shall thereupon become the Presiding Bishop.

House of
Deputies.

§ 4. The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by not more than four Presbyters, canonically resident in the Diocese, and not more than four Laymen, communicants of this Church, having domicile in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.

Quorum.

To constitute a quorum for the transaction of business, the Clerical order shall be represented by at least one Deputy in each of a majority of the Dioceses entitled to representation, and the Lay order shall likewise be represented by at least one Deputy in each of a majority of the Dioceses entitled to representation.

Vote by
Dioceses and
Orders.

On any question, the vote of a majority of the Deputies present shall suffice, unless otherwise ordered by this Constitution or, in cases not specially provided for by the Constitution, by Canons requiring more than a majority, or unless the Clerical or the Lay representation from any Diocese require that the vote be taken by orders. In all cases of a vote by orders, the two orders shall vote separately, each Diocese having one vote in the Clerical order and one in the Lay order; and the concurrence of the votes of the two orders, by not less than a majority in each order of all the Dioceses represented in that order at the time of the vote, shall be necessary to constitute a vote of the House.

Adjournment.

§ 5. In either House any number less than a quorum may adjourn from day to day. Neither House, without the consent of the other, shall adjourn for more than three days, or to any place other than that in which the Convention shall be sitting.

GENERAL CONVENTION.

§ 6. One Clerical and one Lay Deputy chosen by each Missionary District of the Church within the boundaries of the United States, and one Clerical and one Lay Deputy chosen by the Convocation of the American Churches in Europe, shall have seats in the House of Deputies, subject to all the qualifications and with all the rights of Deputies except the right to vote when the vote shall be taken by orders.

Deputies from
Missionary
Districts.

§ 7. The General Convention shall meet in every third year on the first Wednesday in October, unless a different day be appointed by the preceding Convention, and at the place designated by such Convention; but if there shall appear to the Presiding Bishop of the Church sufficient cause for changing the place so appointed, he may appoint another place for such meeting. Special meetings may be provided for by Canon.

Time and Place
of Meeting.

ARTICLE II.

§ 1. In every Diocese the Bishop or the Bishop Coadjutor shall be chosen agreeably to rules prescribed by the Convention of that Diocese. *Provided, however,* that when a Diocese shall be formed out of a Missionary District, the Missionary Bishop in charge of said District shall become the Bishop of said Diocese, if he shall so elect. Missionary Bishops shall be chosen in accordance with the Canons of the General Convention.

Election of
Bishops.

§ 2. No one shall be ordained and consecrated Bishop until he shall be thirty years of age; nor without the consent of a majority of the Standing Committees of all the Dioceses, and the consent of a majority of the Bishops of this Church exercising jurisdiction within the United States. But if the election shall have taken place within three months next before the meeting of the General Convention, the consent of the House of Deputies shall be required in place of that of a majority of the Standing Committees. No one shall be

Required Age.

Consent to
Election.

CONSTITUTION OF THE

Consecration.

ordained and consecrated Bishop by fewer than three Bishops.

Jurisdiction of Bishops.

§ 3. A Bishop shall confine the exercise of his office to his own Diocese or Missionary District, unless he shall have been requested to perform episcopal acts in another Diocese or Missionary District by the Ecclesiastical Authority thereof, or in a vacant Missionary District by the Presiding Bishop of this Church, or unless he shall have been authorized and appointed by the House of Bishops, or by the Presiding Bishop by its direction, to act temporarily in case of need within any territory not yet organized into Dioceses or Missionary Districts of this Church.

Suffragan Bishops.

§ 4. It shall be lawful for a Diocese, with consent of the Bishop of that Diocese, to elect one or more Suffragan Bishops, without right of succession, and with seat and without vote in the House of Bishops. A Suffragan Bishop shall be consecrated and hold office under such conditions and limitations other than those provided in this Article as may be provided by the Canons of the General Convention. He shall be eligible as Bishop or Bishop Coadjutor of a Diocese, or as Suffragan in another Diocese, or he may be elected by the House of Bishops as a Missionary Bishop.

Resignation.

§ 5. A Bishop may not resign his jurisdiction without the consent of the House of Bishops.

ARTICLE III.

Bishops Consecrated for Foreign Lands.

Bishops may be consecrated for foreign lands upon due application therefrom, with the approbation of a majority of the Bishops of this Church entitled to vote in the House of Bishops, certified to the Presiding Bishop, under such conditions as may be prescribed by Canons of the General Convention. Bishops so consecrated shall not be eligible to the office of Diocesan or of Bishop Coadjutor of any Diocese in the United States or be entitled to vote in the House of Bishops, nor shall they perform any act of the episco-

GENERAL CONVENTION.

pal office in any Diocese or Missionary District of this Church, unless requested so to do by the Ecclesiastical Authority thereof.

ARTICLE IV.

In every Diocese a Standing Committee shall be appointed by the Convention thereof. When there is a Bishop in charge of the Diocese, the Standing Committee shall be his Council of Advice; and when there is no such Bishop, the Standing Committee shall be the Ecclesiastical Authority of the Diocese for all purposes declared by the General Convention. The rights and the duties of the Standing Committee, except as provided in the Constitution and Canons of the General Convention, may be prescribed by the Canons of the respective Dioceses.

Standing
Committee.

ARTICLE V.

§ 1. A new Diocese may be formed, with the consent of the General Convention and under such conditions as the General Convention shall prescribe by general Canon or Canons, (1) by the erection into a Diocese of the whole or of any part of one or more Missionary Districts; (2) by the division of an existing Diocese; (3) by the junction of two or more Dioceses or of parts of two or more Dioceses; or (4) by the junction of the whole or part of a Missionary District with a Diocese, or with any part of one or more Dioceses. The proceedings shall originate in a Convocation of the Clergy and Laity of the Missionary District called by the Bishop for that purpose; or, with the approval of the Bishop, in the Convention of the Diocese to be divided; or (when it is proposed to form a new Diocese by the Junction of two or more Dioceses or of parts of two or more Dioceses) by mutual agreement of the Conventions of the Dioceses concerned, with the approval of the Bishop or the Ecclesiastical Authority of each Diocese. In case the Episcopate of a Diocese be vacant, no proceedings toward its

Admission of
New Dioceses.

CONSTITUTION OF THE

division shall be taken until the vacancy is filled. During a vacancy in a Missionary District, the consent of the Presiding Bishop must be had before proceedings to erect it into a Diocese are taken. When it shall appear to the satisfaction of the General Convention, by a certified copy of the proceedings and other documents and papers laid before it, that all the conditions for the formation of the new Diocese have been complied with and that it has acceded to the Constitution and Canons of this Church, such new Diocese shall thereupon be admitted to union with the General Convention.

Rights of the
Diocesan and
the Bishop
Coadjutor.

§ 2. In case one Diocese shall be divided into two or more Dioceses, the Bishop of the Diocese divided may elect the one to which he will be attached, and he shall thereupon become the Bishop thereof; and the Bishop Coadjutor, if there be one, may elect the one to which he will be attached, and (if it be not the one elected by the Bishop) he shall be the Bishop thereof.

§ 3. In case a Diocese shall be formed out of parts of two or more Dioceses, each of the Bishops and Bishops Coadjutor of the several Dioceses out of which the new Diocese has been formed shall be entitled, in order of seniority of consecration, to the choice between his own Diocese and the new Diocese so formed. In case the new Diocese shall not be so chosen, it shall have the right to choose its own Bishop.

Constitution
and Canons of
New Dioceses.

§ 4. Whenever a new Diocese is formed and erected out of an existing Diocese, it shall be subject to the Constitution and Canons of the Diocese out of which it was formed, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese. Whenever a Diocese is formed out of two or more existing Dioceses, it shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of clergymen shall have belonged prior to the

GENERAL CONVENTION.

erection of such new Diocese, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese.

§ 5. A Diocese formed out of a Missionary District shall be subject to the Constitution and Canons to which such Missionary District was subject, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese.

§ 6. No new Diocese shall be formed which shall contain fewer than six Parishes, or fewer than six Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a Parish or Congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain fewer than twelve Parishes and twelve Presbyters who have been residing therein and settled and qualified as above provided.

Limit of
Presbyters and
Parishes.

§ 7. The consent of the General Convention to the erection of a new Diocese shall not be given until it has satisfactory assurance of a suitable provision for the support of the Episcopate.

Assurance of
support of the
Episcopate.

ARTICLE VI.

§ 1. The House of Bishops may establish Missionary Districts in States and Territories or parts thereof not organized into Dioceses. It may also from time to time change, increase, or diminish the territory included in such Missionary Districts in such manner as may be prescribed by Canon.

Missionary
Districts may
be established.

§ 2. The General Convention may accept a cession of the territorial jurisdiction of a part of a Diocese when such cession shall have been proposed by the Bishop and the Convention of such Diocese, and consent thereto shall have been given by three-fourths of the parishes in the ceded territory, and also by the same ratio of the parishes within the remaining territory.

Cession of
Jurisdiction.

CONSTITUTION OF THE

Retrocession of
such Juris-
diction.

Any territorial jurisdiction or any part of the same, which may have been accepted from a Diocese by the General Convention under the foregoing provision, may be retroceded to the said Diocese by such joint action of all the several parties as is herein required for its cession: *Provided*, that such action of the General Convention, whether of cession or retrocession, shall be by a vote of two-thirds of all the Bishops present and voting and by a vote of two-thirds of the House of Deputies voting by orders.

Organization
of Missionary
Districts.

§ 3. Missionary Districts shall be organized as may be prescribed by Canon of the General Convention.

ARTICLE VII.

Provinces.

Dioceses and Missionary Districts may be united into Provinces in such manner, under such conditions, and with such powers, as shall be provided by Canon of the General Convention; *Provided, however*, that no Diocese shall be included in a Province without its own consent.

ARTICLE VIII.

Requisites for
Ordination.

No person shall be ordered Priest or Deacon until he shall have been examined by the Bishop and two Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. No person shall be ordained and consecrated Bishop, or ordered Priest or Deacon, unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration:

Declaration.

"I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America."

Admission of
Foreign Clergy.

No person ordained by a foreign Bishop, or by a Bishop not in communion with this Church, shall be permitted to officiate as a Minister of this Church until he shall have complied with the

GENERAL CONVENTION.

Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

ARTICLE IX.

The General Convention may, by Canon, establish a Court for the trial of Bishops, which shall be composed of Bishops only.

Court for Trial
of Bishops.

Presbyters and Deacons shall be tried by a Court instituted by the Convention of the Diocese, or by the Ecclesiastical Authority of the Missionary District, in which they are canonically resident.

For Trial of
Presbyters and
Deacons.

The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determinations of Diocesan or other trial Courts.

Courts of
Review.

The Court for the review of the determination of the trial Court, on the trial of a Bishop, shall be composed of Bishops only.

Composed of
Bishops.

The General Convention, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of doctrine, faith, or worship.

Court of Appeal.

None but a Bishop shall pronounce sentence of admonition, or of suspension, deposition, or degradation from the ministry, on any Bishop, Presbyter, or Deacon.

Bishop
to pronounce
Sentence.

A sentence of suspension shall specify on what terms or conditions and at what time the suspension shall cease.

Suspension.

ARTICLE X.

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and Articles of Religion, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses and Missionary Districts of this Church. No alteration thereof or addition thereto shall be made

The Book of
Common
Prayer.

Alterations or
Additions,
how to be made.

CONSTITUTION OF THE

unless the same shall be first proposed in one triennial meeting of the General Convention, and by a resolve thereof be sent within six months to the Secretary of the Convention of every Diocese, to be made known to the Diocesan Convention at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies voting by orders. *Provided, however,* that the General Convention at any meeting shall have power to amend the Tables of Lessons by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies voting by orders.

How the Table
of Lessons may
be amended.

Special forms
of Worship.

And *provided, further,* that nothing in this Article shall be construed as restricting the authority of the Bishops of this Church to take such order as may be permitted by the Rubrics of the Book of Common Prayer or by the Canons of the General Convention for the use of special forms of worship.

ARTICLE XI.

Alterations or
Amendments to
this Constitu-
tion.

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one triennial meeting of the General Convention, and by a resolve thereof be sent to the Secretary of the Convention of every Diocese, to be made known to the Diocesan Convention at its next meeting, and be adopted by the General Convention at its next succeeding triennial meeting by a majority of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies voting by orders.

EXTRACTS FROM THE CANONS OF THE
GENERAL CONVENTION.

CANON 15.

Of the Filling of Vacant Cures.

§ I. When a Parish or Congregation becomes vacant the Churchwardens or other proper officers shall notify the fact to the Bishop. If the authorities of the Parish shall for thirty days have failed to make provision for the services, it shall be the duty of the Bishop to take such measures as he may deem expedient for the temporary maintenance of Divine services therein.

Wardens to give Notice to Bishop when Parish or Congregation becomes Vacant.

§ II. No election of a Rector shall be had until the name of the Clergyman whom it is proposed to elect has been made known to the Bishop, if there be one, and sufficient time, not exceeding thirty days, has been given to him to communicate with the Vestry thereon.

Election to a Parish or Congregation.

§ III. Written notice of the election, signed by the Churchwardens, shall be sent to the Ecclesiastical Authority of the Diocese. If the Ecclesiastical Authority be satisfied that the person so chosen is a duly qualified Minister, and that he has accepted the office, the notice shall be sent to the Secretary of the Convention, who shall record it. And such record shall be sufficient evidence of the relation between the Minister and the Parish.

Certificate of Ecclesiastical Authority.

§ IV. A Minister is settled, for all purposes here or elsewhere mentioned in these Canons, who has been engaged permanently by any Parish, according to the rules of said Diocese, or for any term not less than one year.

Ministers Settled when engaged for at least one Year.

§ V. In case of the election of an Assistant Minister, a certificate from the Rector and Wardens shall be sent to the Bishop.

CANON 16.

Of Ministers and their Duties.

Control of the worship and spiritual jurisdiction of Parish vested in Rector.

§ I. [i.] The control of the worship and the spiritual jurisdiction of the Parish are vested in the Rector, subject to the Rubrics of the Book of Common Prayer, the Canons of the Church, and the godly counsel of the Bishop. All other Ministers of the Parish, by whatever name they may be designated, are to be regarded as under the authority of the Rector.

Rector to have use and control of Church and Parish buildings.

[ii.] For the purposes of his office, and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the Church and Parish buildings, with the appurtenances and furniture thereof.

Priest in charge to have control in a Missionary Cure.

[iii.] In a Missionary Cure the control and responsibility belong to the priest who has been duly appointed to the charge thereof, subject to the authority of the Bishop.

Duties of Ministers in charge of Parishes or Cures.

§ II. [i.] It shall be the duty of Ministers of this Church who have charge of Parishes or Cures to be diligent in instructing the children in the Catechism, and from time to time to examine them in the same publicly before the Congregation. They shall also, by stated catechetical lectures and instruction, inform the youth and others in the Doctrines, Polity, History, and Liturgy of the Church. They shall also instruct all persons in their Parishes and Cures concerning the missionary work of the Church at home and abroad, and give suitable opportunities for offerings to maintain that work.

Duty in reference to Bishop's visitation.

[ii.] It shall be the duty of Ministers to prepare young persons and others for Confirmation; and on notice being received from the Bishop of his intention to visit any Church, which notice shall be at least one month before the intended visitation, the Minister shall announce the fact to the Congregation on the first Sunday after the receipt of such notice; and he shall be ready to

present for Confirmation such persons as he shall judge to be qualified, and shall deliver to the Bishop a list of the names of those to be confirmed.

[iii.] At every visitation it shall be the duty of the Minister, and of the Churchwardens, or Vestrymen, or of some other officer, to exhibit to the Bishop the Parish Register and to give information to him of the state of the Congregation, spiritual and temporal, under such heads as shall have been previously signified to them, in writing, by the Bishop.

At Bishop's visitation to give information of the state of the Congregation.

[iv.] The Alms and Contributions, not otherwise specifically designated, at the Administration of the Holy Communion on one Sunday in each calendar month, and other offerings for the poor, shall be deposited with the Minister of the Parish, or with such Church officer as shall be appointed by him, to be applied by the Minister, or under his superintendence, to such pious and charitable uses as shall by him be thought fit. During a vacancy the Vestry shall appoint a responsible person to serve as Almoner.

Alms and offerings for the poor.

[v.] Whenever the House of Bishops shall put forth a Pastoral Letter, it shall be the duty of every Minister having a pastoral charge to read it to his Congregation on some occasion of public worship on a Lord's Day, not later than one month after the receipt of the same.

Ministers to read Pastoral Letter to Congregation.

§ III. [i.] It shall be the duty of every Minister of this Church to record in the Parish Register all Baptisms, Confirmations, Marriages, Burials, and the names of all Communicants within his Cure.

To keep a register of official acts.

[ii.] The registry of every Baptism shall be signed by the officiating Minister.

Register of baptisms to be signed by officiant.

[iii.] Every Minister of this Church shall make out and continue, as far as practicable, a list of all families and adult persons within his Cure, to remain in the Parish for the use of his successor.

List of families and adults in his Cure.

§ IV. [i.] No Minister of this Church shall officiate, either by preaching, reading prayers in

Not to officiate in another's Cure without consent.

CANONS OF THE

public worship, or by performing any other priestly or ministerial function, in the Parish, or within the Cure, of another Minister, without the consent of the Minister of that Parish or Cure; or of one of its Churchwardens if, in his absence or disability, the Minister fail to provide for the stated services of such Parish or Cure.

In case there are two or more Congregations or Churches in one Cure.

If there be two or more Congregations or Churches in one Cure, as provided by Canon 50, Section III. [ii.], the consent of the majority of the Ministers of such Congregations or Churches, or of the Bishop, shall be sufficient; *provided*, that nothing in this section shall be construed to prevent any Clergyman of this Church from officiating, with the consent of a Minister, in the Church or place of public worship used by the Congregation of such Minister, or in private for members of his Congregation; or, in his absence, with the consent of the Churchwardens or Trustees of such Congregation; and *provided*, moreover, that the license of the Ecclesiastical Authority required in § V. [iii.] be first obtained when necessary.

This rule shall not apply to any Church, Chapel, or Oratory, which is part of the premises of an incorporated institution, created by legislative authority, provided that such place of worship is designed and set apart for the convenience and uses of such institution, and not as a place for public or parochial worship.

Neglecting to perform services of the Church.

[ii.] If any Minister of this Church, from disability or any other cause, neglect to perform the regular services in his Congregation, and refuse, without good cause, his consent to any other duly qualified Minister of this Church to officiate within his Cure, the Churchwardens, Vestrymen, or Trustees of the Congregation shall, on proof before the Ecclesiastical Authority of the Diocese or Missionary District of such neglect or refusal, have power, with the written consent of the said Authority, to permit any duly qualified Minister of this Church to officiate.

§ V. [i.] A Minister of this Church removing into a Diocese or Missionary District shall, in order to gain canonical residence within the same, present to the Ecclesiastical Authority thereof a testimonial from the Ecclesiastical Authority of the Diocese or Missionary District in which he last had canonical residence, which testimonial shall set forth his true standing and character. The said testimonial shall be given by the Ecclesiastical Authority to the applicant, and a duplicate thereof may be sent to the Ecclesiastical Authority of the Diocese or Missionary District to which he proposes to remove. The testimonial may be in the following words:

To present a testimonial to Ecclesiastical Authority when coming into a Diocese or District.

I hereby certify that the Reverend A. B., who has signified to me his desire to be transferred to the Ecclesiastical Authority of.....is a Presbyter [or Deacon] of..... in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for three years last past.

(Signed)

[ii.] Such testimonial shall be called Letters Dimissory. The canonical residence of the Minister so transferred shall date from the acceptance of his Letters Dimissory, of which prompt notice shall be given both to the applicant and to the Ecclesiastical Authority from which it came.

Date when transfer shall take effect.

[iii.] Letters Dimissory not presented within six months from the date of their transmission to the applicant shall become wholly void. No Minister shall officiate more than two months, by preaching, ministering the Sacraments, or holding any public service, within the limits of any Diocese or Missionary District other than that in which he is canonically resident, without a license from the Ecclesiastical Authority.

When Letters Dimissory void.

License required to officiate.

[iv.] If a Minister, removing into another Diocese, who has been called to a Cure in a Parish or Congregation, shall present Letters Dimissory in the form above given, it shall be the duty of the Ecclesiastical Authority of the Diocese to which he has removed, to accept them within three months, unless the Bishop or Standing Committee shall have heard rumors, which he or

When Letters Dimissory need not be accepted.

they believe to be well founded, against the character of the Minister concerned, which would form a proper ground of canonical inquiry and presentment, in which case the Ecclesiastical Authority shall communicate the same to the Bishop or Standing Committee of the Diocese to whose jurisdiction the said Minister belongs; and, in such case, it shall not be the duty of the Ecclesiastical Authority to accept the Letters Dimissory unless and until the Minister shall be exculpated from the said charge.

Before removing into a Diocese, to obtain certificate of Ecclesiastical Authority.

[v.] No Minister, removing from one Diocese or Missionary District to another, shall officiate as Rector or Minister of any Parish or Congregation of the Diocese or District to which he removes, until he shall have obtained from the Ecclesiastical Authority thereof a certificate in the words following:

I hereby certify that the Reverend A. B. has been canonically transferred to my jurisdiction and is a Minister in good standing.

(Signed)

No person refused ordination in any Diocese to be afterwards transferred thereto without consent of Bishop.

[vi.] No person who has been refused Ordination or reception as a Candidate in any Diocese or Missionary District, and who has afterwards been ordained in another Diocese or Missionary District, shall be transferred to the Diocese or Missionary District in which such refusal has taken place without the consent of its Bishop or Ecclesiastical Authority.

CANON 20.

Of Person not Ministers in this Church Officiating in any Congregation thereof.

No person to minister in this Church unless duly authorized.

No Minister in charge of any Congregation of this Church, or, in case of vacancy or absence, no Churchwardens, Vestrymen, or Trustees of the Congregation, shall permit any person to officiate therein, without sufficient evidence of his being duly licensed or ordained to minister in this Church; *provided*, that nothing herein shall be so construed as to forbid communicants of the Church to act as Lay Readers; or to prevent

the Bishop of any Diocese or Missionary District from giving permission to Christian men, who are not Ministers of this Church, to make addresses in the Church, on special occasions.

CANON 22.

Of Lay Readers.

§ I. A competent person ready and desirous to serve the Church in the public services statedly as a Lay Reader must procure from the Bishop or Ecclesiastical Authority of the Diocese or Missionary District a written license. Such license shall not be granted to any but a male communicant of this Church, and must be given for a definite period, not longer than one year, but may be renewed from time to time, or revoked at any time. Such license may be given for any vacant Parish or Mission, or for a Congregation without a Minister, but where a Presbyterian is in charge, his request and recommendation must have been previously signified to the Ecclesiastical Authority. A license shall not be granted for conducting the service in a Congregation without a Minister, which is able and has had reasonable opportunity to secure the services of an ordained Minister. If the Lay Reader be a student in any Theological Seminary, he shall also, before acting as such, obtain the permission of the presiding officer of such institution and of his own Bishop.

License require d

§ II. A Lay Reader shall be subject to the regulations prescribed by the Ecclesiastical Authority, and shall not serve in any Diocese other than that in which he is licensed, unless he shall have received a license from the Bishop of the Diocese in which he desires to serve.

Subject to
Ecclesiastical
Authority.

§ III. In all matters relating to the conduct of the service, and to the Sermons or Homilies to be read, he shall conform to the directions of the Minister in charge of the Parish, Congregation, or Mission in which he is serving, and, in all cases, to the directions of the Bishop. He shall

Mode of conduct-
ing service.

Directions and
restrictions.

read only the Morning and Evening Prayer (omitting the Absolution), the Litany, and the Office for the Burial of the Dead. He shall not deliver sermons or addresses of his own composition, unless, after instructions and examination, he be specially licensed thereto for urgent needs by the Bishop. He shall not wear the dress appropriate to Clergymen ministering in the Congregation.

CANON 38.

Of the Dissolution of the Pastoral Relation.

Rector not to resign without consent of Vestry, nor to be removed against his will.

§ I. A Rector may not resign his Parish without the consent of the said Parish, or its Vestry, or its Trustees, whichever may be authorized to act in the premises, nor may any Rector or Minister canonically or lawfully elected and in charge of any Parish be removed therefrom by said Parish, Vestry, or Trustees, against his will, except as hereinafter provided.

Mode of settling differences.

§ II. If for any urgent reason a Rector or Minister as aforesaid, or the Parish committed to his charge, its Vestry or Trustees, shall desire a separation and dissolution of the pastoral relation, and the parties be not agreed respecting such separation and dissolution, notice in writing may be given by either party to the Ecclesiastical Authority of the Diocese or Missionary District. The Bishop, in case the difference be not settled by his godly judgment, or if he decline to consider the case without counsel, may ask the advice and consent of the Standing Committee of the Diocese or of the Council of Advice of the Missionary District, and, proceeding with its aid and counsel, shall be the ultimate arbiter and judge. If the Diocese or Missionary District be vacant, the Ecclesiastical Authority shall select a Bishop of an adjacent Diocese or Missionary District to act as the Bishop, and with like force and effect. The judgment shall be either that the pastoral relation between the parties shall cease and

determine at a time and upon terms therein specified, or that the said relation shall not be terminated; and it shall be the duty of both parties to submit to and abide by such judgment. In the event of either party refusing to abide by such judgment, the penalty for such refusal and further proceedings in the case shall be those provided by the Constitution and Canons of the Diocese or Missionary District in which such Parish is situated.

§ III. In case of the regular and canonical dissolution of the connection between a Rector or Minister and his Parish, under this Canon, the Ecclesiastical Authority shall direct the Secretary of the Convention to record the same.

Dissolution of pastoral relation to be recorded by Secretary of Convention.

§ IV. This Canon shall not apply in any Diocese or Missionary District which has made, or shall hereafter make, provision by Canon upon this subject, nor in contravention of any right of any Rector, Minister, Parish, Congregation, or Vestry under the law of the civil authority.

This Canon not to apply in Diocese or Missionary District where other provision is made.

CANON 39.

Of the Solemnization of Matrimony.

§ I. Ministers of this Church shall be careful to secure the observance of the law of the State governing the civil contract of marriage in the place where the service shall be performed.

Legal requirements.

§ II. [i.] No Minister shall solemnize a marriage except in the presence of at least two witnesses.

Presence of witnesses required.

[ii.] Every Minister shall without delay formally record in the proper register the name, age, and residence of each party. Such record shall be signed by the Minister who solemnizes the marriage, and, if practicable, by the married parties, and by at least two witnesses of the marriage.

Marriages to be recorded in Register.

§ III. No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or the wife of any

Marriage of a divorced person is prohibited.

Exception.**Proviso.**

Reference of doubtful cases to the Bishop before admission to the Sacraments.

other person then living, from whom he or she has been divorced for any cause arising after marriage. But this canon shall not be held to apply to the innocent party in a divorce for adultery; *provided*, that before the application for such remarriage a period of not less than one year shall have elapsed, after the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this Canon; and *provided, further*, that it shall be within the discretion of any Minister to decline to solemnize any marriage.

§ IV. If any Minister of this Church shall have reasonable cause to doubt whether a person desirous of being admitted to Holy Baptism, or to Confirmation, or to the Holy Communion, has been married otherwise than as the Word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon: *Provided, however*, That no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

CANON 40.

On Regulations respecting the Laity.

Removal of communicants.

§ I. [i.] A communicant in good standing, removing from one Parish or Congregation to another, shall be entitled to receive and shall procure from the Rector or Minister of the Parish or Congregation of his or her last residence, or, if there be no Rector or Minister, from one of the Wardens, a certificate stating that he or she is duly registered or enrolled as a communicant

in the Parish or Congregation from which he or she desires to be transferred, and the Rector or Minister or Warden of the Parish or Congregation to which such communicant may remove shall enroll him or her as a communicant when such certificate is presented, or, on failure to produce such certificate through no fault of such communicant, upon other evidence of his or her being such a communicant, sufficient in the judgment of the said Rector or Minister. Notice of such enrollment in such Parish or Congregation to which such communicant shall have removed, shall be sent by the Rector or Minister thereof to the Rector of the Parish from which the communicant is removed.

[ii.] Any communicant of any Church in communion with this Church, shall be entitled to the benefit of this Section so far as the same can be made applicable.

§ II. When a person to whom the Sacraments of the Church have been refused, or who has been repelled from the Holy Communion under the Rubrics, shall lodge a complaint with the Bishop, it shall be the duty of the Bishop, unless he see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Minister, to institute such an inquiry as may be directed by the Canons of the Diocese or Missionary District; and should no such Canon exist, the Bishop shall proceed according to such principles of law and equity as will insure an impartial decision; but no Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled, without the written direction of the Bishop.

Repulsion of
communicants.

The Sacraments shall not be refused in any case to a penitent person at the point to die.

CANON 41.

Of Translations of the Bible.

The Lessons at Morning and Evening Prayer shall be read from the translation of the Holy

Versions
authorized to
be read in
Church.

Scriptures, commonly known as the King James or Authorized Version (which is the Standard Bible of this Church), including the Marginal Readings authorized for use by the General Convention of 1901, or from the translation commonly known as the Revised Version, either in its English or its American form.

CANON 44.

Of the Due Celebration of Sundays.

All persons within this Church shall celebrate and keep the Lord's Day, commonly called Sunday, by regular participation in the public worship of the Church, by hearing the Word of God read and taught, and by other acts of devotion and works of charity, using all godly and sober conversation.

CANON 45.

Of the Music of the Church.

It shall be the duty of every Minister to appoint for use in his congregation hymns or anthems from those authorized by the Rubric, and, with such assistance as he may see fit to employ from persons skilled in music, to give order concerning the tunes to be sung in his Church. It shall be his especial duty to suppress all light and unseemly music, and all irreverence in the performance.

CANON 46.

Of the Consecration of Churches.

No Church to be consecrated until fully paid for.

§ I. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently certified that the building and ground on which it is erected have been fully paid for, and are free from lien or other incumbrance; and also that such building and ground are secured from the danger of alienation, either in whole or in part, from those who profess and practise the Doctrine, Discipline, and Worship of this Church, except

in the cases provided for in Sections II. and III. of this Canon.

§ II. It shall not be lawful for any Vestry, Trustees, or other body authorized by law of any State or Territory to hold property for any Diocese, Parish, or Congregation, to encumber or alienate any consecrated Church or Chapel, or any Church or Chapel which has been used solely for Divine Service, belonging to the Parish or Congregation which they represent, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese.

Vestry not to encumber or alienate without consent of Bishop and Standing Committee.

§ III. No consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese.

No Church to be taken down or applied to any common uses without same consent.

CANON 48.

Of the Mode of Securing an Accurate View of the State of this Church.

§ I. It shall be the duty of every Minister of this Church in charge of a Parish or Congregation, or, if there be no Minister in charge, of the Churchwardens, or other proper officer, to deliver, on or before the first day of every annual Convention, to the Bishop of the Diocese, or, where there is no Bishop, to the Presiding Officer of the Convention, a report of the number of Baptisms, Confirmations, Marriages, and Burials, and the number of Communicants in the Parish or Congregation; of the condition of the Sunday-schools; of all contributions for parochial purposes, for charities, for Missions, Diocesan, Domestic, or Foreign, or for any purpose whatever; and of other matters that may throw light upon the state of the Parish or Congregation. And every Minister not in charge of any Parish or Congregation shall also report his occasional services; and if there have been none, the causes

Ministers to make annual reports to Bishop.

or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.

CANON 51.

Of Parishes and Congregations.

Congregation to belong to Diocese where its place of worship is situated.

No Minister shall have a seat in more than one Convention.

Parish boundaries.

Formation of new Parish within limits of existing Parish.

Parish boundaries, when not defined by Diocesan Conventions.

§ I. Every Congregation of this Church shall belong to the Church in the Diocese or Missionary District in which its place of worship is situated; and no Minister having a Parish or Cure in more than one jurisdiction shall have a seat in the Convention of any jurisdiction other than that in which he has canonical residence.

§ II. [i.] The ascertainment and defining of the boundaries of existing Parishes or parochial Cures, as well as the establishment of a new Parish or Congregation, and the formation of a new Parish within the limits of any other Parish, is left to the action of the several Diocesan Conventions.

[ii.] Until a Canon or other regulation of a Diocesan Convention shall have been adopted, the formation of new Parishes, or the establishment of new Parishes or Congregations within the limits of existing Parishes, shall be vested in the Bishop of the Diocese, acting by and with the advice and consent of the Standing Committee thereof, and, in case of there being no Bishop, in the Ecclesiastical Authority.

§ III. [i.] Where Parish boundaries are not defined by law, or settled by Diocesan Authority under Section II. of this Canon, or are not otherwise settled, they shall be defined by the civil divisions of the State as follows:

Parochial boundaries shall be the limits, as fixed by law, of a village, town, township, incorporated borough, city, or of some division of any such civil district, which may be recognized by the Bishop, acting with the advice and consent of the Standing Committee, as constituting the boundaries of a Parish.

[ii.] If there be but one Church or Congregation within the limits of such village, town, township, borough, city, or such division of a civil district, as herein provided, the same shall be deemed the Parochial Cure of the Minister having charge thereof. If there be two or more Churches or Congregations therein, it shall be deemed the Cure of the Ministers thereof.

What is to constitute parochial Cure.

[iii.] This Canon shall not affect the legal rights of property of any Parish or Congregation.

Not to affect legal rights.

CANON 52.

Of Parish Vestries.

§ I. In every Parish of this Church the number, mode of election, and term of office of Wardens and Vestrymen, with the qualifications of voters, shall be such as the State or Diocesan law may permit or require, and the Wardens and Vestrymen elected under such law shall hold office until their successors are elected and have qualified.

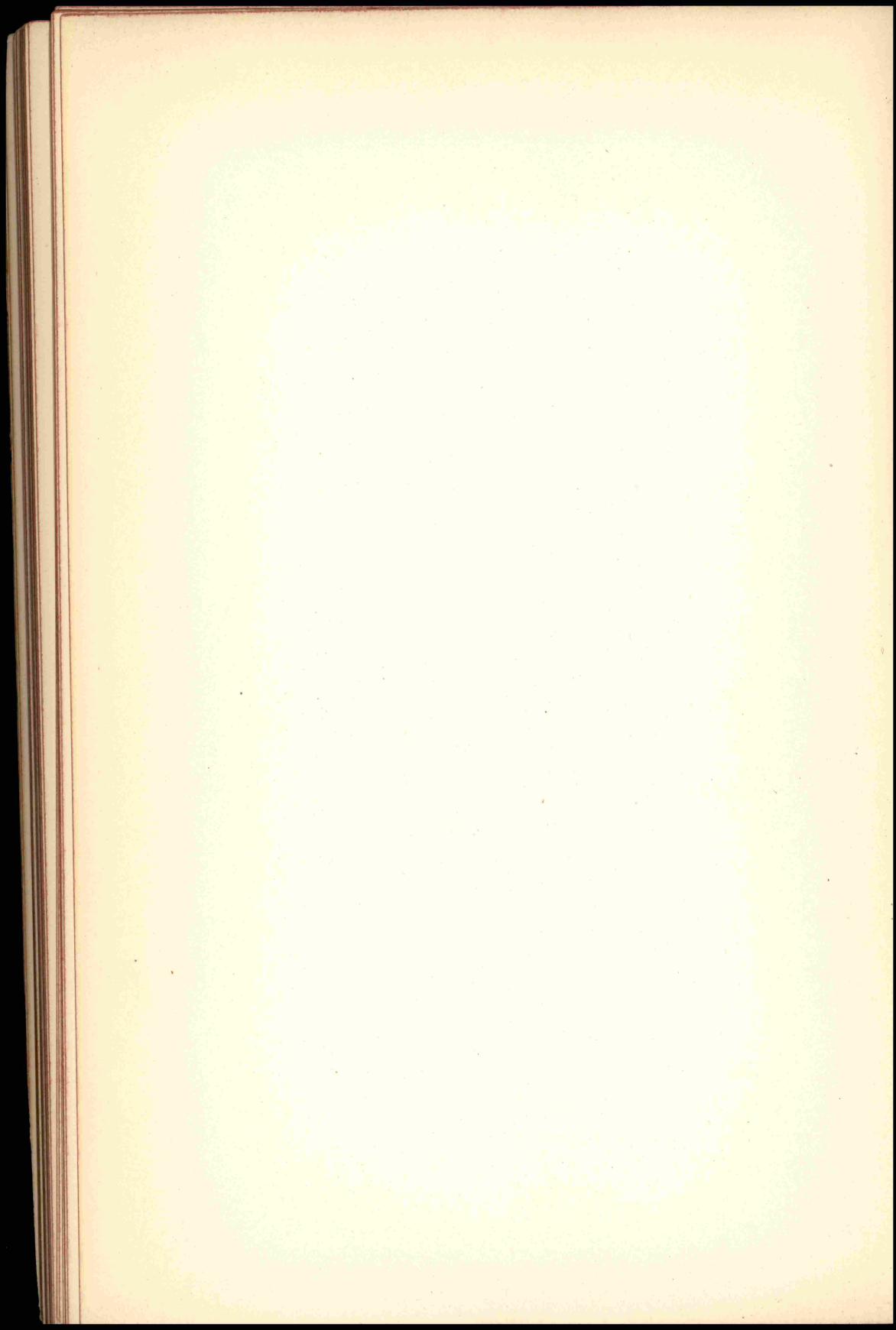
Regulations left to State or Diocesan law.

§ II. Except as provided by the law of the State or of the Diocese, the Vestry shall be the agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish to its Clergy.

The agents and legal representatives of the Parish.

§ III. Unless it conflict with the law as aforesaid, the Rector, when present, shall preside in all the meetings of the Vestry.

The Rector to preside.



Part III.

EXTRACTS FROM THE CONSTITUTION, ACTS OF THE LEGISLATURE AND DECISIONS OF THE COURTS OF THE STATE OF NEW JERSEY, WHICH MAY AFFECT THE CHURCH.

A.

EXTRACTS FROM THE STATE CONSTITUTION.

B.

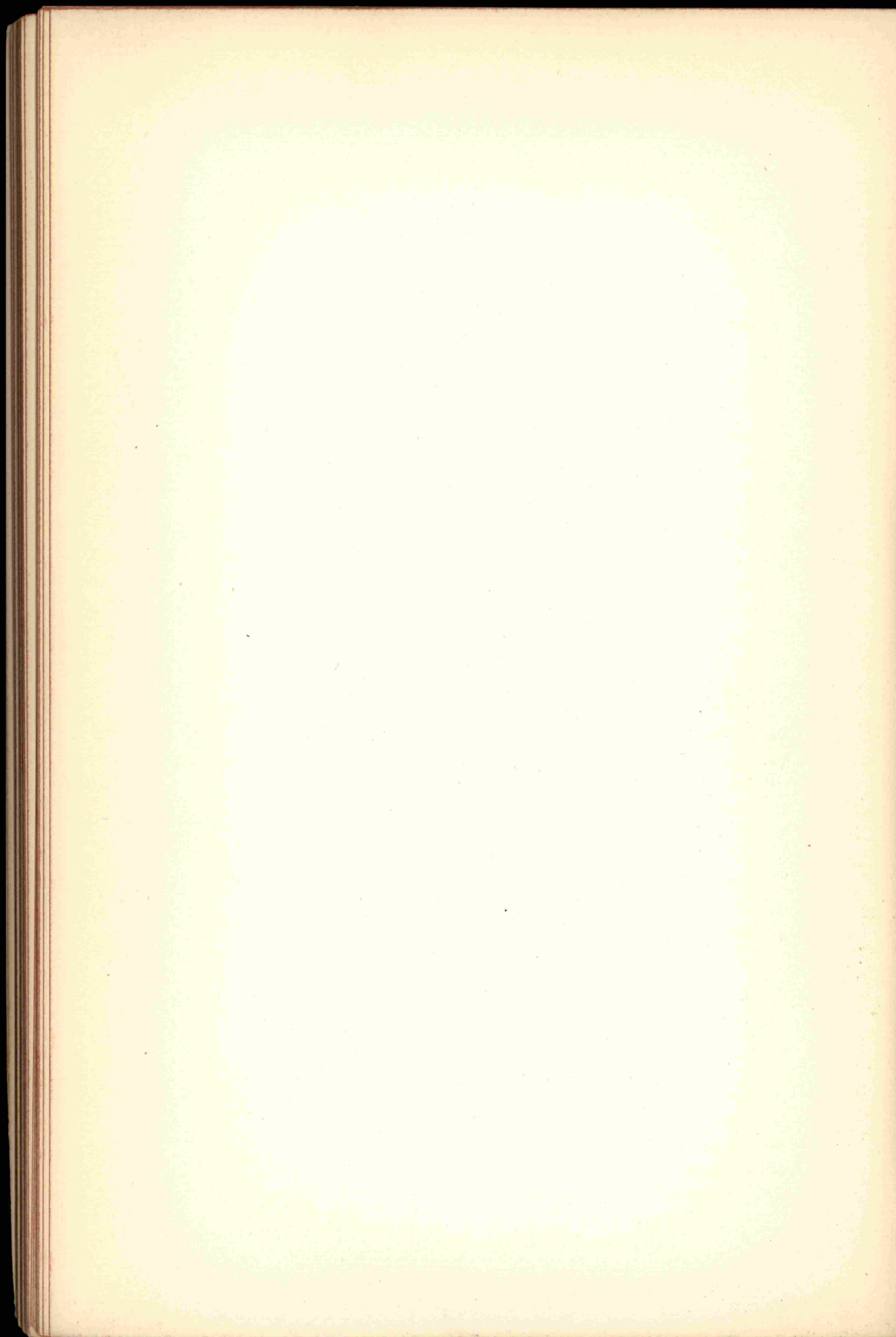
LAWS ESPECIALLY OR EXPRESSLY APPLICABLE TO THE PROTESTANT EPISCOPAL CHURCH.

C.

GENERAL LAWS WHICH MAY AFFECT THE CHURCH.

D.

MEMORANDUM OF SOME DECISIONS OF THE COURTS AFFECTING THE RIGHTS OF THE CHURCH AND CLERGY.



STATE CONSTITUTION, ETC.

A.

EXTRACTS FROM THE STATE CONSTITUTION.

ARTICLE I.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

No Person to be deprived of worshipping God according to his own conscience.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

No Taxation for Religious Purposes.

No establishment of a religious sect.

20. No donation of land or appropriation of money shall be made by the State or any Municipal Corporation to or for the use of any society, association or corporation, whatever.

No Appropriation to be made to Religious Society.

ARTICLE IV.

Section 7.

11. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

Corporate Powers not to be conferred by Special Act.

STATE STATUTES.

B.

LAWS ESPECIALLY OR EXPRESSLY APPLICABLE TO THE PROTESTANT EPISCOPAL CHURCH. (a)

INCORPORATION AND GOVERNMENT OF PARISHES.

A Supplement to an act entitled "An act to incorporate Trustees of Religious Societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, and providing for the incorporation and management of Congregations or Parishes of the Protestant Episcopal Church in this State, and repealing sundry acts and parts of acts relating to Religious Societies, in so far as they affect or relate to the Protestant Episcopal Church or Congregations or Parishes thereof.—Laws 1901, p. 104, Chap. 62. App. March 20.

Parish may become a body Corporate.

§ 1. Any Congregation or Parish of the Protestant Episcopal Church in this State, duly organized in accordance with the Constitution and Canons of said Church, may become a body corporate in manner following:

Calling of Meeting.

A meeting shall be called by a notice, signed by the Minister, if there be one, and five male members of full age, and read during public service at the usual place of worship on two successive Sundays next preceding, designating the time and place of such meeting, and the object for which it is called;

Qualifications of Voters.

Only such persons as are qualified in accordance with the Constitution and Canons of the Protestant Episcopal Church, in the Diocese in which said Parish is located, shall be entitled to vote or act as officers at the meeting, and at least five qualified voters shall be present in order to con-

(a) Note.—This includes all statutes not especially or expressly repealed by later statutes.

STATE STATUTES.

stitute a quorum; all questions shall be decided by a vote of the majority of those present;

Quorum.

The Congregation having met at the time and place appointed, the Minister shall preside; but if he be absent from the meeting, or if there be no Minister in charge of said Congregation, some other person shall be chosen to act as chairman; the presiding officer shall be the judge of the qualification of voters, shall receive the votes and declare the result; a Secretary shall be chosen to record the proceedings;

Officers of Meeting.

The meeting shall determine, by ballot, whether such Congregation shall become incorporated, and if the decision be in favor of incorporation, then the meeting shall determine further:

What to be determined.

(1) The corporate title, which shall be in form as follows: "The Rector, Wardens and Vestrymen of Church in"

Corporate Title.

(2) The date of the annual meeting, which shall be some secular day in the week beginning with the first Sunday in Advent;

Date of Meeting.

(3) The number of Vestrymen, which shall be three, six or nine;

Number of Vestrymen.

The meeting shall then elect, by ballot, two Wardens, one to hold office until the first annual meeting, and the other to hold office until the second annual meeting; and shall in like manner elect the number of Vestrymen determined upon, one-third to hold office until the first annual meeting, one-third until the second annual meeting, and one-third until the third annual meeting.

Election of Wardens and Vestrymen.

§ 2. A certificate shall be executed, under the hands and seals of the Chairman and Secretary of the meeting, and acknowledged or proved in the same manner as deeds of conveyance of real estate are required to be acknowledged or proved, which certificate shall set forth:

Certificate.

(1) That the said meeting was called and organized as hereinabove provided;

Contents of Certificate.

(2) The name assumed as the corporate title;

(3) The day fixed for the annual meeting;

(4) The number of Vestrymen;

STATE STATUTES.

Certificate to be Filed.	(5) The names of the persons elected as Wardens and Vestrymen, with the term of office of each. Said certificate shall be forthwith filed and recorded in the office of the Clerk of the County in which said Parish is located; whereupon the said Wardens and Vestrymen, together with the Rector, shall be a body corporate and politic, with perpetual succession, and shall constitute the Trustees and the Vestry of the said Parish.
Parish may sue.	§ 3. Any Parish of the said Protestant Episcopal Church duly incorporated hereunder, or under any other act or charter or letters patent, may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal, and alter the same at pleasure; and may make by-laws not inconsistent with the constitution or laws of the United States or of this State, or of the said Protestant Episcopal Church.
Use seal, and make by- laws.	§ 4. Any such corporation, notwithstanding any restriction contained in its charter, letters patent, act of incorporation or certificate of organization, may acquire, purchase, receive, have and hold any real estate which it may deem necessary and expedient in trust for the use of said Congregation, provided the same shall not be used by the corporation for any other purpose than the rendering and maintaining, in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion, according to the Doctrines, Discipline and Worship of the said Protestant Episcopal Church, or for education or administration of charity to the bodies or souls of men, or for any other use that may be according to the Constitution and Canons of said Church, and may sell, grant, mortgage, demise or dispose of such real estate as it may deem necessary and expedient; <i>provided</i> , that no sale, conveyance or mortgage of any real estate, other than burial lots in churchyards or cemeteries, and no lease for a longer term than one year, shall be made by such corporation, without the previous written consent of the Bishop, and of
Corporation may receive and hold property.	
Purpose.	
May incumber or alienate Real Estate.	
Consent of the Bishop Necessary.	

STATE STATUTES.

a majority of the Standing Committee of the Diocese within which the said corporation is located, or in case of a vacancy in the office of Bishop, or of his absence from the Diocese, then of a majority of the Standing Committee, which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance, and without such consent such sale, conveyance, mortgage or lease shall be void; and such corporation may acquire, purchase, receive, have and hold any legacies, donations, moneys, goods and chattels, in trust for the use of said Congregation to an amount in value not exceeding two thousand dollars a year, and may sell, alien and dispose of the same:

Consent of
Standing
Committee
Necessary.

Limitation.

But this restriction shall not be construed as depriving any such corporation of the right to increase the amount of property it may hold or enjoy by proceedings taken under the act entitled "An act to authorize corporations organized for religious, educational or benevolent purposes to procure an increase of their capacity to acquire and hold real and personal property," approved March twenty-seventh, eighteen hundred and eighty-nine.*

Limitation
Removed.

§ 5. The Rector shall be a member of and the presiding officer of every such corporation, but if there be no Rector, the Wardens and Vestrymen shall constitute the said corporation, and one of the Wardens shall be elected the presiding officer; a Clerk or Secretary, who shall be one of the Vestrymen, and a Treasurer shall be elected annually by the Vestry, in such manner and subject to such restrictions as may be provided for by the by-laws.

Rector a
Member of the
Corporation.

Secretary and
Treasurer.

§ 6. When a vacancy shall occur in the office of Rector, by death, removal or otherwise, the Wardens and Vestrymen, two-thirds of them concurring in the choice, may, subject to the Constitution and Canons of the Protestant Episcopal Church in the United States, and of the Diocese in which said Parish is located, choose some fit person, duly qualified, to be Rector of said Parish.

Election of a
Rector.

*This Act was repealed by laws of 1899, Chapter 76.

STATE STATUTES.

Vestry
Meetings.

§ 7. Meetings of the Vestry shall be called on at least twenty-four hours' notice:—

(1) By the Rector at any time;

(2) If there be no Rector, or if the Rector be absent from the Diocese for three calendar months, or be incapable of acting, or if the Rector has refused to call such meeting within one week after the receipt of a request signed by a majority of the members of the Vestry, then by the Wardens;

(3) In case of failure of the Wardens to call such meeting within one week after the receipt of such request, then such meeting may be called by a majority of the members of the Vestry.

Quorum of
Vestry.

§ 8. To constitute a quorum of the Vestry there must be present either:

(1) The Rector, one of the Wardens and a majority of the Vestrymen, or

(2) The Rector, both Wardens and one less than a majority of the Vestrymen, or

(3) The Rector and two-thirds of the Vestrymen, or

(4) If the Rector be absent from the Diocese, or incapable of acting, and shall have been so absent or incapable for more than three calendar months, or if the meeting be called by the Rector and he be absent therefrom, or if the meeting be called by the Wardens or Vestrymen and the Rector be absent therefrom, one Warden and a majority of the Vestrymen, or both Wardens and one less than a majority of the Vestrymen;

Proviso.

Provided, however, that if there be a Rector called to or settled in the Parish, no action shall be taken in his absence relating to or affecting the personal or exclusive rights of the Rector, or to the alienation of the capital or principal of any investments held by the corporation, or to the sale of the real estate, or to the encumbrance thereof, except as may be necessary for ordinary repairs.

Annual
Election.

§ 9. The annual election of any such Parish hereafter incorporated shall be held on such secular day in the week, commencing with the first Sunday

STATE STATUTES.

in Advent, as may be designated in its certificate of incorporation; the annual election of any such Parish heretofore incorporated shall be held on the day fixed by its charter or certificate of incorporation, but if no date shall have been so fixed, then on the Monday following the first Sunday in Advent:

Notice of the time and place of the annual election shall be given by an advertisement set up in open view at the door of the church or usual place of worship ten days previously to such election, and shall also be read by the Rector or officiating Minister on the two Sundays next preceding such election in time of public service:

Notice of
Election.

The Rector shall preside, with the right to vote, or in the event of his absence, or if no Rector be settled in the Parish, the meeting shall choose one of the Wardens, or if neither of the Wardens be present, one of the Vestrymen, or if no Vestryman be present, then some duly qualified voter to act as Chairman; the Secretary of the Vestry, or in his absence some person appointed by the Chair, shall enter the proceedings in the minute book of the Vestry, and shall sign the same together with the Chairman; the qualifications for voters, and for such officers as may be elected by the meeting, shall be as provided from time to time by the Constitution and Canons of the Protestant Episcopal Church in the Diocese in which any such Parish may be located; the Chairman shall be the judge of the qualifications of the voters, shall receive the votes and declare the result; the election shall be by ballot and the polls shall remain open for one half hour and for such longer time as may be required to receive the ballots of such persons as may be present and ready to vote; three persons shall constitute a quorum.

Presiding
Officer.

Qualifications
of Voters.

Quorum.

In the event of failure to elect on the first ballot the required number of Wardens or Vestrymen to be elected at said meeting, one or more further ballots shall then be taken in the manner hereinbefore provided.

STATE STATUTES.

Election of
Wardens and
Vestrymen.

At each annual election of any such Parish hereafter incorporated, one Warden shall be elected to hold office for two years, or until his successor is chosen, and one-third of the total number of the Vestrymen shall be elected to hold office for three years, or until their successors are chosen; at each annual election of any such Parish heretofore incorporated, both Wardens and all the Vestrymen shall be elected to hold office for one year or until their successors are chosen, unless otherwise provided in their charter or certificate of incorporation.

Election in
Parishes
heretofore
incorporated.

Vacancies in
Vestry, how
filled.

§ 10. In the event of a vacancy in the office of Warden or Vestryman, caused by the failure of any candidate to receive a majority of the votes cast, such vacancy shall be filled at a special meeting of the Parish, forthwith called, and conducted as hereinafter provided, and in the event of a vacancy caused by the death, resignation, removal or incapacity, or refusal to serve of any duly elected Warden or Vestryman, such vacancy may be filled by the Vestry until the next annual meeting.

Special Parish
Meetings.

§ 11. Special meetings of the Parish for any of the purposes as elsewhere provided for in this act, may be called by the Rector at any time, or if there be no Rector, by the Wardens, the same notice being given as hereinabove provided for the annual election, but such notice shall specify the object for which the meeting is called, and no vote shall be taken upon any question not specified in the notice; such special meetings shall be conducted in all respects in the same manner as the meetings for the annual election, but the votes may be counted and declared forthwith upon any question excepting the election of Wardens or Vestrymen.

Parish may
change its
Certificate of
Incorporation.

§ 12. Any incorporated Parish of the Protestant Episcopal Church, whether incorporated by special charter or letters patent, or under any general or special act of the legislature, may change its corporate title, the number of its Vestrymen, the term of office of its Wardens and Vestrymen, or the date of its annual meeting; *provided*, that such changes shall in all respects conform to the

Proviso.

STATE STATUTES.

requirements of this act made with respect to Parishes hereafter incorporated, and shall be made in the following manner:

A meeting of the Vestry shall be called and held in the manner hereinabove provided, except that at least one week's notice, stating the object thereof, shall be given to each member; and if the Vestry, by a vote of two-thirds of all the members thereof, shall recommend such change or changes, a special Parish meeting shall be called in the manner hereinbefore provided; and if the said meeting of the Parish shall, by a two-thirds vote of those present, balloting separately upon each change proposed, ratify the recommendations of the Vestry, then a certificate shall be executed by the Rector and Secretary, in the same manner as hereinbefore provided for the execution of the certificate of incorporation, and shall be immediately filed and recorded in the office of the Clerk of the County in which said Parish is located; and the change shall take effect when such certificate has been so filed and recorded.

Vestry to
Recommend
Changes.

Parish may
adopt Recom-
mendations of
Vestry.

Certificate to
be Filed.

§ 13. If two or more incorporated Parishes of said Church desire to consolidate and become one Parish, a meeting of the Vestry of each Parish may be called by the Rector or Wardens, one week's notice being given to each member; and if each Vestry shall, by a vote of three-fourths of all the members thereof, determine that such consolidation is advisable, a further resolution shall be adopted by a like vote, requesting the consent of the Bishop and Standing Committee of the Diocese in which said Parishes are located; such consent shall be given in writing, signed by the Bishop and a majority of the Standing Committee, and acknowledged or proved in the same manner as deeds of conveyance of real estate require to be acknowledged or proved, and shall be filed and recorded with the certificates hereinafter mentioned:

Consolidation
of Parishes.

A special meeting of the Congregation of each Parish shall then be called, and conducted in the manner hereinbefore provided, and each meeting

STATE STATUTES.

Questions to
be Determined.

shall determine, by a vote of three-fourths of those present, balloting separately upon each question:

(1) Whether such consolidation be advisable; and if the determination be favorable, then

(2) Whether the consolidated Parish shall act under the charter of any one of the consolidated Parishes, or under a new certificate or organization;

(3) The corporate title of the consolidated Parish, which may be identical with the name of the Parish whose charter has been adopted; but if no such charter be adopted, or if any change be made in the corporate title, it shall be in the form hereinabove provided for determining the title of new Parishes;

(4) The date of the annual meeting, which shall be identical with the date of the annual meeting of the Parish whose charter has been adopted, or some secular day in the week beginning with the first Sunday in Advent;

(5) The number of Vestrymen, which shall be identical with the number fixed by the charter adopted, or if any change be made, shall be three, six or nine;

(6) The Wardens and Vestrymen, who shall be chosen either in accordance with the provisions of the charter adopted, or as is hereinabove provided for new Parishes:

A certificate shall then be made by the Rector and Secretary of each Parish, and executed and acknowledged in accordance with the requirements of this act with reference to new Parishes, which certificate shall set forth:

(1) The meeting and action of the Vestry;

(2) That the Bishop and a majority of the Standing Committee have consented;

(3) The meeting of the Congregation, and its action upon the questions hereinabove required to be determined:

Certificate with
Consent of
Bishop and
Standing
Committee to
be Filed.

All of said certificates, with the consent of the Bishop and Standing Committee, shall be filed and recorded together forthwith in the offices of the Clerks of the Counties or County in which said

STATE STATUTES.

Parishes so consolidated are located; whereupon the said consolidated Parish shall immediately become vested with all the temporalities and property, both real and personal, of the Parishes so consolidated.

§ 14. When any incorporated Parish or Congregation has or shall become extinct, it shall be lawful for the Convention of said Church which has ecclesiastical jurisdiction over the said Parish to declare the same extinct and thereupon the property of the said Parish shall vest in the said Diocesan Convention, provided the same has been duly incorporated as Trustees, in trust for the same religious purposes and with the power of disposition and sale to the same extent as the same vested or would have vested in the Rector, Wardens and Vestrymen of the Parish; *provided, however*, that this act shall not affect the reversionary interest of any person or persons in such property; and *provided further*, that the proceeds of any sale shall be invested as a separate fund, applied only to such religious or charitable use connected with the Church as the Convention may direct, and in case the Parish be afterward revived, the Convention may at its discretion transfer the said property or fund thereto, and thereupon the duties and powers of the Convention as Trustees over the said property shall cease.

Extinct
Parishes.

Provisos.

§ 15. The word "Parish" when used in this act shall be construed to be equivalent to "Congregation" whenever necessary to carry out the object and intent of the act. *Whereas*, the foregoing provisions of this act, or some of them, are inconsistent with, or intended to replace existing acts relating to, the corporation and management of Congregations or Parishes of the Protestant Episcopal Church in this State, which existing acts affect as well the Congregations or Parishes of the Reformed Episcopal Church, or other Congregations or Churches; and *whereas*, it is desirable to repeal the said acts as far as they affect

Parish
equivalent to
Congregation.

Repealer.

Reformed
Episcopal
Church.

STATE STATUTES.

the Protestant Episcopal Church, and are inconsistent with or intended to be replaced by the foregoing provisions of this act, but it is not desired by such repealer to affect the Congregations or Parishes of the Reformed Episcopal Church or other Churches; therefore,

§ 16. The following several acts and parts of acts are hereby repealed as far as they affect or relate to the Protestant Episcopal Church or the Congregation or Parishes thereof;

(1) Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven of "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five;

(2) "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies,' approved April ninth, eighteen hundred and seventy-five," which supplement was approved March eighth, one thousand eight hundred and seventy-seven, and is chapter 56 of session laws of that year;

(3) "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, and is chapter 94 of the session laws of that year;

(4) Section three of "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies,' approved April ninth, eighteen hundred and seventy-five," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, and is chapter 117 of the session laws of that year;

(5) "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five (title Protestant Episcopal)," which supplement was approved March

STATE STATUTES.

twenty-second, one thousand eight hundred and eighty-three, and is chapter 98 of the session laws of that year;

(6) "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved April fourth, one thousand eight hundred and ninety-one, and is chapter 166 of the session laws of that year;

(7) "An act to amend an act entitled 'A supplement to an act entitled "An act to incorporate Trustees of Religious Societies, approved April ninth, one thousand eight hundred and seventy-five;"' which supplement was approved April fourth, one thousand eight hundred and ninety-one," approved May twenty-second, one thousand eight hundred and ninety-four, and is chapter 315 of the session laws of that year;

(8) "An act to repeal an act entitled 'An act to amend an act entitled "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies," approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved April fourth one thousand eight hundred and ninety-one,' which amendatory act was approved May twenty-second, one thousand eight hundred and ninety-four;" which repealing act was approved March twenty-third, one thousand eight hundred and ninety-six, and is chapter 68 of the session laws of that year;

(9) "A supplement to an act entitled 'An act to incorporate Trustees of Religious Societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March twenty-second, one thousand eight hundred and ninety-eight, and is chapter 88 of the session laws of that year;

(10) "An act to enable Churches to change their corporate names or titles," approved March eleventh, one thousand eight hundred and seventy-

STATE STATUTES.

four, and is chapter 186 of the session laws of that year;

(11) "A supplement to an act entitled 'An act to enable Churches to change their corporate names or titles,' approved March eleventh, one thousand eight hundred and seventy-four," which supplement was approved April twelfth, one thousand eight hundred and eighty-six, and is chapter 151 of the session laws of that year;

(12) "An act to authorize Churches and other Religious Societies to change the time of holding their annual meeting," approved March twenty-second, one thousand eight hundred and eighty-three, and is chapter 100 of the session laws of that year;

(13) "An act authorizing Religious Corporations incorporated by general or special acts of the legislature, to change their names and modify their terms of incorporation," approved March fourteenth, one thousand eight hundred and ninety-three, and is chapter 162 of the session laws of that year.

INCORPORATION OF THE CONVENTION.

An act to incorporate "The Convention of the Protestant Episcopal Church, in the State of New Jersey."—Laws 1826, p. 9. App. Nov. 20.

Trustees of
the Convention.

§ 1. That the Rev. John Croes, Charles Wharton, John Croes, Jr., George Y. Morehouse, Clarkson Dunn, Simon Wilmer, William L. Johnson, Matthew Mathews, Christian F. Cruse and Benjamin Holmes and Joseph Marsh, Robert Boggs, Zachariah Rossel, Christian Lazalere, George Haywood, Isaac Welsh, Joseph V. Clark, Charles C. Stratton, Enoch Agins, Thomas Sinnickson and Aaron Wright and their associates, forming the Convention of the Protestant Episcopal Church, in the State of New Jersey, and their successors duly appointed according to the Constitution of the said Church, shall be, and they are hereby made and constituted a corporation and body politic, in law and in fact, by the name and title

STATE STATUTES.

of "The Convention of the Protestant Episcopal Church in the State of New Jersey."

§ 2. That the said corporation and their successors, by the name and title aforesaid, shall be able and capable in law to purchase, have, hold, take, use and enjoy, in fee simple, or any life or other estate or estates, any lands, tenements, rents, liberties, privileges, franchises or other hereditaments, and also any goods, chattels, moneys, legacies, donations, or other estate or property whatsoever, given or granted to the said Convention in any manner or way whatsoever; *provided always*, that the income thereof shall not exceed the sum of five thousand dollars per annum; *and further*, that all the estate, real, personal and mixed, now belonging to or held by the said Convention, shall be vested in and held and managed by the said corporation and their successors; and that the said corporation and their successors shall and may give, grant, sell and convey, demise, assign, release or otherwise dispose of all or any of their messuages, houses, lands, tenements, rents, possessions and other hereditaments and real estate, and all goods, chattels and personal estate, and other things aforesaid, as to the said corporation shall seem meet; and that the said corporation shall be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts, and all and every other matter and thing therein to do, in as full and effectual a manner as any other person or persons, body politic or corporate in this State, in the like cases, can or may do; and that they shall have full power to demand and receive, and if need be to sue for and recover all debts, rents, and legacies which are now due or may become due to the said Convention, and to demand, have and take all deeds, bonds and mortgages, notes, books and other writings or things which belong to the said Convention; and shall and may have and use a common seal with such device or devices as they

Powers

STATE STATUTES.

shall think proper, and the same to break, renew or alter at pleasure.

Treasurer.

§ 3. That it shall be lawful for the said corporation to appoint a Treasurer during their pleasure, who shall hold and manage the said funds, subject to the instruction and control of the said corporation, and who shall render an account of the same at every annual meeting of the said corporation, and oftener if required, and give security for the faithful discharge of his duties, if required to do so, and pay out moneys under such regulations and orders as the said corporation may from time to time adopt; *provided nevertheless*, and it is hereby enacted, that nothing in this act contained shall prevent the legislature from altering, amending or repealing the same whenever in their opinion the public good requires it.

A Supplement to an act entitled "An act to incorporate Trustees of Religious Societies," approved April ninth, one thousand eight hundred and seventy-five.—Laws 1880, p. 26, Chap. 15. App. Feb. 10.

Diocese
desiring to
become a
Corporation.

§ 1. That whenever any Diocese has been or shall be created in this State, under and by virtue of the authority of the General Convention of the Protestant Episcopal Church in the United States of America, and shall desire to become a legal corporation in this State, it shall be lawful for the Convention of said Diocese, at any regular meeting thereof, in which a majority of the Parishes belonging thereto are represented by both Clerical and Lay Deputies, to declare, by resolution, their desire and intention to become such legal corporation; and upon their filing in the office of the Secretary of State of this State a copy of said resolution, together with a certificate stating the name of said Diocese, with the name of its President, Secretary and its Standing Committee, which

STATE STATUTES.

shall consist of not less than four clerical and four lay members, duly signed by said President and Secretary in the presence of the Chancellor or of a Justice of the Supreme Court of this State, the said Convention shall thereupon become a body corporate by the name or title expressed in such certificate.

§ 2. That all the estate and property now or hereafter belonging to or held by such Diocese shall be vested in and be managed by the said corporation, which shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of an act approved April seventh, one thousand eight hundred and seventy-five, entitled, "An Act concerning corporations;" and shall also be capable of taking and holding by gift, grant, devise, bequest or otherwise, any property in trust for religious, ecclesiastical, charitable or educational objects, appertaining to or under the control of said Convention or other ecclesiastical authority of the Protestant Episcopal Church in said Diocese, and executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said Church.

Powers.

§ 3. That the said corporation shall have power to appoint or elect in such manner as they may determine, discreet persons as Trustees, not less than five in number, who shall be members of the Protestant Episcopal Church, and citizens of this State, residing within the limits of said Diocese; and upon the filing in the office of the Secretary of State of a certificate, under the hand and seal of the President and Secretary of said Convention, stating the corporate name selected for said Trustees, and also the names of said Trustees, they, the said Trustees, shall become a body corporate, under the name and title so certified, and shall have perpetual succession and exercise and be clothed with the powers and privileges enumerated in the first section of the act aforesaid, entitled, "An Act concerning corporations."

Trustees,
How Appointed.

STATE STATUTES.

Their Duties.

§ 4. That the said Trustees, when so incorporated, shall have the management and care of any fund already existing or which may hereafter be contributed, acquired or received, and any accumulations thereof, for the support of the episcopate of said Diocese, and the appropriation of the income of said fund for that purpose according to the direction to be from time to time given by said Convention of said Diocese; they shall also be capable of taking and holding by gift, grant, devise, bequest or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to or under the control of the Convention or other ecclesiastical authority of said Diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said Church.

Trustees to make Reports.

§ 5. That said Trustees shall present to each regular Diocesan Convention a statement of their proceedings, exhibiting the conditions of the fund, together with an account of their receipts and disbursements; they may provide by-laws for the removal of a Trustee for good cause, and on such removal may declare the place vacant, and fill the same until the next regular meeting of said Convention, which body shall permanently fill all vacancies existing in said Trustees.

Division of Episcopal Fund.

§ 6. That whenever any Diocese which has heretofore existed, or which now exists, or which may hereafter exist, within the State of New Jersey, in connection with the Protestant Episcopal Church in the United States of America, has been or shall be divided into two or more Dioceses, it shall be lawful for the body of Trustees holding in trust or having control of the fund for the support of the Bishop of said original or dividing Diocese, to make such division of all bonds, mortgages, securities or property as may be or may have been agreed upon by the said original and said new Diocese, whether after or in prospect of such division, and to assign, transfer and set over the same

STATE STATUTES.

to such Trustees as may be appointed for said new Diocese, to hold to them and their successors for the trusts upon them imposed; and in case of such division so effected, all trusts in relation to the securities thereby conveyed, incumbent upon the former trustees, shall, ipso facto, cease and be discharged.

CHANGE OF NAME OF DIOCESE.

A supplement to an Act entitled, "An act to incorporate Trustees of Religious Societies," approved April ninth, one thousand eight hundred and seventy-five, to authorize Dioceses to change their corporate name, and the corporate name of Trustees chosen by them, and to secure the property, trusts, franchises, and obligations of said corporations, notwithstanding such change of name.—Laws 1887, p. 121, Chap. 89. App. April 1.

§ 1. That the Convention of any Diocese of the Protestant Episcopal Church in this State, already incorporated, or that shall become incorporated, may, at any regular meeting thereof, by resolution, change the corporate name of said Diocese, and may also, by resolution, change the corporate name of any or all Boards of Trustees by them selected, that have been or shall become incorporated; and such change of name shall take effect upon filing in the office of the Secretary of State a copy of said resolution, certified by the President and Secretary of said Convention, under their hands and seals, and acknowledged by them before a Master in Chancery.

§ 2. That from and after such change of name, said corporations shall respectively hold, convey and administer, under and by their new name, all the property, estates, trusts, rights, privileges and franchises which they had under their former name, as fully and to the same intent, purposes and effect as if said name had not been changed.

Change of
Name of
Diocese.

STATE STATUTES.

§ 3. That from and after such change such corporations shall be and are hereby respectively fully invested with the power, by and under such new name, to receive, hold, convey and administer all estates, gifts, bequests, devises, conveyances and trusts to them given or made by their new name or any former name, as fully to all intents and purposes as if such name had not been changed, and such estates, gifts, bequests, devises, conveyances and trusts had been to them given, devised or conveyed by their former name.

§ 4. That such change of name shall not impair any legal liability or obligation of or to said corporations, and that this act shall take effect immediately.

NOTE.

At the Annual Convention of 1885 a committee was appointed to consider the subject of change of name. At the Convention of 1886 the committee reported that a change was desirable, and proposed the name of "Newark" instead of "Northern New Jersey," and the deputies to the General Convention were directed to obtain the consent of the General Convention to such change.

At the Convention in 1887 the deputies reported the consent of the General Convention held at Chicago, October 14, 1886, and thereupon the Convention of that year perfected the change.

[See Journal of 13th Annual Convention, 1887, pages 37—44, and appendix 3, page 141.]

TRUSTEES OF EPISCOPAL FUND.

An act to incorporate Trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey.—
Laws 1860, p. 76, Chap. 29. App. Feb. 14.

§ 1. That Charles S. Olden, of Princeton, Mercer County; Daniel Dodd of Newark, Essex County; Denning Duer, of Weehawken, Hudson County; Thomas P. Carpenter, of Camden, Camden

Name of
Diocese of
Northern New
Jersey changed
to Newark.

Trustees
of Episcopal
Fund.

STATE STATUTES.

County; John Kean, of Union Township, Union County; William N. Wood, of Morristown, Morris County; Anthony Q. Keasbey, of Newark, Essex County, and their successors, being members of the Protestant Episcopal Church, be and they hereby are constituted a body corporate, by the name of "The Trustees of the Episcopal Fund of the Diocese of New Jersey," and by that name shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act concerning corporations, approved Feb. fourteenth, eighteen hundred and forty-six; and shall be capable of taking and holding by gift, grant or bequest such property as may be necessary for the purposes of the corporation; *provided*, the yearly value thereof shall not exceed the sum of eight thousand dollars.

§ 2. That the object of said corporation shall be the management and care of the fund already provided, together with that which may be hereafter contributed or acquired, and any accumulation accruing thereon, for the support of the Episcopate of the Protestant Episcopal Church in the Diocese of New Jersey, and the appropriation of the income of the fund for that purpose, according to the directions to be from time to time given by the Convention of the said Church in the said Diocese.

Object of
Trustees.

§ 3. That the management of the affairs and concerns of the said corporation, shall be, and hereby is, vested in seven Trustees, who shall be citizens of the State and members of the Protestant Episcopal Church; the persons named in the first section of this act to be the first Trustees, a majority of whom shall constitute the necessary quorum for the transaction of business; they shall hold their first meeting at the call of the Trustees first named in this act, and shall appoint a President, Secretary, and such other officer and officers as they may deem necessary, and no act of the Trustees shall be valid unless authorized by a resolution adopted at a regular meeting by the con-

Proceedings.

STATE STATUTES.

curring vote of a majority of the whole number, and entered by the Secretary in a book of minutes, to be kept as a record of their proceedings, which book shall be open to the inspection of the members, for the time being, of the Convention of said Church in the Diocese.

To conform
to instructions
of Convention.

§ 4. That the Trustees shall conform to such instructions as may be given to them by the Convention, not inconsistent with the purpose and design of the contributors to the fund, touching the disposition of the income of the fund; *provided*, such instructions be entered on the journals of the Convention, and a certified copy of the resolution or resolutions, containing the same, be furnished to the Trustees.

To report to
the Convention.

§ 5. That a statement of the proceedings of the Trustees, exhibiting the condition of the funds entrusted to their charge, together with an account of the receipts and disbursements, signed by the Trustees, or by a majority of them, shall be made to each annual Diocesan Convention, immediately after the organization thereof.

Removal.

§ 6. That the Trustees may provide by-laws for the removal of a Trustee for good cause; and on such removal, may, by a resolution, declare the place vacant.

Vacancies.

§ 7. That all vacancies occurring in the Board of Trustees, shall be filed by the Diocesan Convention at their next annual meeting thereafter.

A Supplement to the act entitled "An act to incorporate Trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey," approved February fourteenth, eighteen hundred and sixty. (1860, page 76).—Laws 1862, p. 221, Chap. 110. App. March 17.

Competent to
take by gift, etc.

§ 1. That the corporation created by the act to which this is a supplement, shall be capable of taking and holding, by gift, grant, devise, bequest or otherwise, any property in trust for ecclesiasti-

STATE STATUTES.

cal, charitable or educational objects appertaining to, or under the control of, the Convention or other ecclesiastical authority of the Protestant Episcopal Church in the Diocese of New Jersey, and of executing the trusts specified by the grantor or donor thereof; *provided*, the same be not inconsistent with or contrary to the constitution, canons or laws of said Church.

A further supplement to the act entitled "An Act to incorporate Trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey," approved February fourteenth, one thousand eight hundred and sixty.—Laws 1871, p. 1222, Chap. 469. App. April 4.

§ 1. That the corporation created by the act to which this is a supplement, shall be capable of taking and holding, by gift, grant, devise, bequest or otherwise, any property in trust for ecclesiastical, charitable or educational objects appertaining to or for the benefit of the Protestant Episcopal Church, or any parish, or other branch thereof in connection with or under the control of the Convention or other ecclesiastical authority of said Church, and of executing the trusts specified by the grantor or donor thereof; *provided*, the same be not inconsistent with the constitution, canons or laws of said Church.

What they may
take and hold.

DIVISION OF DIOCESE.

A further supplement to an act entitled "An act to incorporate the Trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey," approved February fourteenth, eighteen hundred and sixty.—Laws 1874, p. 959, Chap. 111. App. March 3.

STATE STATUTES.

Whereas, By reason of the increase of parishes of the Protestant Episcopal Church in this State, it has been deemed necessary by the representatives of that Church in convention assembled, to take steps towards the division of the Diocese of New Jersey; *and whereas*, in event of division additional Episcopal support will be required, and the fund now held by "The Trustees of the Episcopal fund of the Diocese of New Jersey," for the support of the Episcopate in the State of New Jersey, should continue to be equitably applied for that purpose.

Division of Episcopal Fund.

§ 1. That "The Trustees of the Episcopal fund of the Diocese of New Jersey," in event of the division of the present Diocese of New Jersey into two or more dioceses, shall hold, manage, dispose of and divide the property and funds which may be in their hands and custody for the support of the Episcopate of the Protestant Episcopal Church in the Diocese of New Jersey, among the different dioceses of said Church into which this State may be divided, in such manner as the Convention of the present Diocese of New Jersey shall, in contemplation of division, direct for the support of the Episcopate in the various parts of the territory now included in the Diocese of New Jersey; and the said Convention may also direct the manner in which the reports of said Trustees shall be made, and how vacancies occurring in said Board of Trustees shall be filled.

§ 2. That "The Trustees of the Episcopal fund of the Diocese of New Jersey," shall have power to receive, hold, manage, disburse and dispose of all contributions, funds and property which may be given them, by grant or otherwise, for the support of the Episcopate in any part of the State of New Jersey.

STATE STATUTES.

TRUSTEES TO HOLD PROPERTY.

A supplement to an act entitled "An Act to incorporate Trustees of Religious Societies" (Revision), approved April ninth, eighteen hundred and seventy-five.—Laws 1877, p. 72, Chap. 54. App. March 8.

§ 1. This section was changed by the subsequent act of 1885, page 20, Chap. 8, approved Feb. 10, which in turn was again changed in 1886 by the act entitled, "An act to amend an act entitled A supplement to an act entitled 'A supplement to an act to incorporate Trustees of Religious Societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five," approved February tenth, one thousand eight hundred and eighty-five, Laws of 1886, p. 67, Chap. 52, and thereby made to read as follows:

That it shall be lawful for any diocesan convention, presbytery, classis, synod, annual conference, or other governing body having jurisdiction over a number of incorporated or unincorporated churches, congregations or societies of any church or religious denomination in this State, at any stated or regularly-convened meeting thereof, to elect as Trustees certain discreet persons, who, upon filing the certificate hereinafter provided, shall be and become a body corporate, capable of taking, holding, managing and dealing with property, both real and personal, and that the presiding officer and clerk or secretary of such governing body, at the time of such election, shall immediately thereafter prepare and file a certificate in writing, under their hands and seals, which certificate shall contain, first, the name or title by which such body corporate shall be known, and second, the names of the trustees so as aforesaid elected, and the times for which they were respectively chosen to serve, which certificate, duly acknowledged by said presiding officer and clerk or secretary, shall be filed in the office of the Secretary of

Incorporation
of Trustees of
Diocesan
Convention, etc.

STATE STATUTES.

Term of Office.

State; and such Trustees upon the filing of such certificate shall thereupon be and become a body corporate by the name therein mentioned; and that any such governing body may, in its discretion, elect more than one set of Trustees in manner aforesaid, who may in like manner become incorporated, and who shall adopt such names as shall serve to distinguish and designate them, reference being had to the object of their trust; and that such Trustees shall be elected for three years, one or more each year, except that the first Trustees shall be elected, one-third of the number for one year, one-third for two years and one-third for three years, all of which Trustees shall, when so required by the governing body by which they were elected, furnish to said body a statement and account of the particulars and items of their trust, and permit an auditing of the same and an inspection of their books and investments, and all things pertaining thereto, at such time and in such mode as said governing body shall direct.

Ability to take and hold Property.

§ 2. That such Trustees shall be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant, or purchase, and of holding and disposing of the same, any real and personal estate held for the benefit of any such governing body, or of any parish, congregation, society, church, chapel, mission or religious, benevolent, charitable or educational institution, existing or acting under such governing body at the time of their election, or which had then or may thereafter be given for any such purposes; *provided*, that the net yearly income received from the said property shall not, at any time, exceed the sum of twenty-five thousand dollars.

Property of Extinct Parishes.

§ 3. That whenever any parish, congregation, society, church, chapel, mission, or religious, benevolent, charitable or educational institution in connection with any such governing body owning any property shall become extinct, by reason of the death or removal of its members, it shall be

STATE STATUTES.

lawful for the trustees elected by such body as aforesaid to take possession of the temporalities and property belonging to such extinct church or other organization and manage and apply the same to the uses and purposes of the church or religious denomination to which such extinct church or organization belonged in the locality in which such extinct church or organization was located.

§ 4. That the Trustees elected by virtue of this act shall hold their offices at the pleasure of the governing body by which they are elected; and all vacancies shall be filled by such body as they occur.

Term of
Office.

A supplement to an act entitled "An act to incorporate Trustees of Religious Societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, prohibiting the diversion of church property.—Laws 1881, p. 256, Chap. 256. App. March 25.

§ 1. *Be it enacted*, by the Senate and General Assembly of the State of New Jersey, that it shall not be lawful for the Rector, Wardens and Vestrymen or the Trustees, consistory or session of any church, congregation or religious society incorporated under any of the laws of this State, to divert the estate, property or revenue belonging thereto to any purpose except the support and maintenance of the church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong, and the highest judicatory of any denomination from which property is attempted to be, or is being, or shall be diverted in violation hereof is hereby authorized to enforce the foregoing provision; but nothing herein contained shall be construed as preventing action being taken by members of the congregation or otherwise as heretofore to enforce the said provision.

Diversion of
Trust Funds
may be
prevented.

STATE STATUTES.

C.

GENERAL LAWS WHICH MAY AFFECT
THE CHURCH.

CORRECTING ERRONEOUS NAMES.

Supplement to an act entitled "An act to incorporate Trustees of Religious Societies," approved April ninth, eighteen hundred and seventy-five.—Laws 1877, p. 177, Chap. 117. App. March 9.

Conveyance to
Corporations
whose name
is not correctly
stated.

§ 1. That in all cases where a conveyance of any real estate is made to any religious society or corporation, incorporated under or by virtue of any general or special laws of this State, and in the deed of such conveyance the corporate name or designation of such religious society or corporation as the grantees in such deeds of conveyance is not correctly stated, and where the intention of the grantor or grantors in any such deeds is signified by the use of the principal words of the corporate name or designation of any such religious society or corporation, and where such religious society or corporation have entered into possession and occupation of such real estate, it shall be lawful for such religious society or corporation to file, in the office of the clerk or register of the county wherein such real estate is located, a statement setting forth the date of such deed of conveyance, the date of the recording, and the number and page of the book of record thereof, the names of the grantor or grantors, the descriptions of the property conveyed, the erroneous title of such religious society or corporation, as expressed in such deeds, and also the correct title thereof, which statement shall be verified by the affidavit of any duly-authorized officer of such religious society or corporation, taken by any person authorized to take the acknowledgment and proof of deeds; and

STATE STATUTES.

it shall be the duty of such clerk or register to file the said statement so verified as aforesaid in his office, and to record the same in a book to be kept for that purpose, for which such clerk or register shall receive the same fees as are now allowed for the recording of deeds.

§ 2. That upon filing and recording such statement as aforesaid the said religious societies or corporations shall be deemed to be vested in as good and perfect title to said real estate, so conveyed to them by an erroneous corporate name and designation, as though the same had been conveyed to them by their proper corporate name or designation, and the said verified statements, or duly-certified copies thereof, shall be received as evidence in any of the courts of this State.

Title
perfected.

§ 3. This section is repealed by the Revision of 1901 of the laws relating to the Protestant Episcopal Church, so far as it affects the Church. See Laws 1901, Page 104, Chap. 62, Sec. 16, Subsec. 4, ante.

POWER TO HOLD PROPERTY.

An Act to authorize corporations organized for religious, educational, benevolent or charitable purposes, to take, hold and convey property in trust.—Laws 1901, p. 401, Chap. 198. App. March 22.

§ 1. Any corporation of this State, organized for religious, educational, benevolent or charitable purposes, shall be capable of acquiring and holding by purchase, gift, devise, bequest or otherwise, and also of conveying, such real and personal property as may be deemed necessary for its purposes, and may also act as Trustee, and execute trusts of every description relating to property given, conveyed, devised, or bequeathed to it in trust for said purposes.

Corporation
empowered
to hold
property.

Amount
unlimited.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

STATE STATUTES.

A previous act—Laws 1899, page 256, Chap. 117, approved March 23—limited the amount to \$100,000.

TAXATION OF CHURCH PROPERTY.

A further supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

—Laws 1893, p. 225, Chap. 122. App. March 11.

Exemption of
Church
property from
taxation.

§ 1. That the dwelling house owned by any religious corporation, and the land upon which the same stands, while and during only the time actually used by the officiating clergyman of such religious corporation, shall be exempt from taxation to an amount not exceeding \$5,000, but not more than one dwelling actually used by any one religious corporation shall be so exempt.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty six," which supplement was approved April eleventh, one thousand eight hundred and sixty-six. Public Laws 1894, page 354, chapter 233, approved May 16.

Exemption of
property of
institutions of
learning from
taxation.

II. All colleges, academies or seminaries of learning, public libraries, school-houses, buildings erected and used for religious worship, buildings used as asylums or schools for the care, cure, nurture, maintenance and education of feeble-minded or idiotic persons and children, provided such institutions are duly incorporated under the laws of this state, and the land whereon the same are situate, necessary to the fair use and enjoyment thereof, not exceeding five acres for each one, the furniture thereof and the personal property used therein, the endowment or fund of any religious

STATE STATUTES.

society, college, academy, seminary of learning, public library or institution for feeble-minded persons as aforesaid; *provided*, that no building so used which may be rented for such purposes and rent received by the owner therefor shall be exempted; the stock of any corporation of this state, which by charter or other contract with this state is expressly exempted from taxation, the stock of any corporation of this state, the capital whereof is by this act made taxable to and against said corporation, pews in churches, graveyards not exceeding ten acres of ground, cemeteries and all buildings erected thereon, and all buildings used exclusively for charitable purposes, with the land whereon the same are erected, and which may be necessary for the fair enjoyment thereof, and the furniture and personal property used therein, the funds of all charitable institutions and associations collected and held exclusively for the sick or disabled members thereof, or for the widows of deceased members, or for the education, support and maintenance of deceased members.

Proviso.

CHURCH YARDS.

Acts concerning church yards, cemeteries and burial grounds may be found as follows:

Laws concern-
ing church
yards, etc.

Laws 1882, page 28, Chap. 25. Approved February 24.

Provides that bodies buried in church yard may be removed by Trustees.

Laws 1895, page 734, Chap. 361. Approved March 28.

Church burial grounds may be sold on consent.

Laws 1897, page 19, Chap. 7. Approved February 23.

An act to enable religious societies owning church yards to receive trust for improvement.

Laws 1899, page 230, Chap. 98. Approved March 22.

An act to enable Church to convey land free from restrictions as to burial.

STATE STATUTES.

Laws 1900, page 323, Chap. 154. Approved March 22.

Act to enable Cemetery Association to convey to Church lands free from trust.

Laws 1901, page 388, Chap. 187. Approved March 22.

Act to authorize the Trustees of Churches to hold trust for Cemetery.

Laws 1902, page 234, Chap. 69. Approved April 1.

An act relative to the removal of bodies in any abandoned cemetery or burying ground in any municipality in this State.

STATE STATUTES.

D.

SOME DECISIONS OF THE COURTS.

TITLE TO PEWS.

- Van Houten vs. McKelvey, 2 C. E. Green, 126.
Van Horn vs. Talmage, 4 Hal. Ch., 108.
Church vs. Andrews, 1 Zab., 325.

WARDENS AND VESTRYMEN AS TRUSTEES,
ETC.

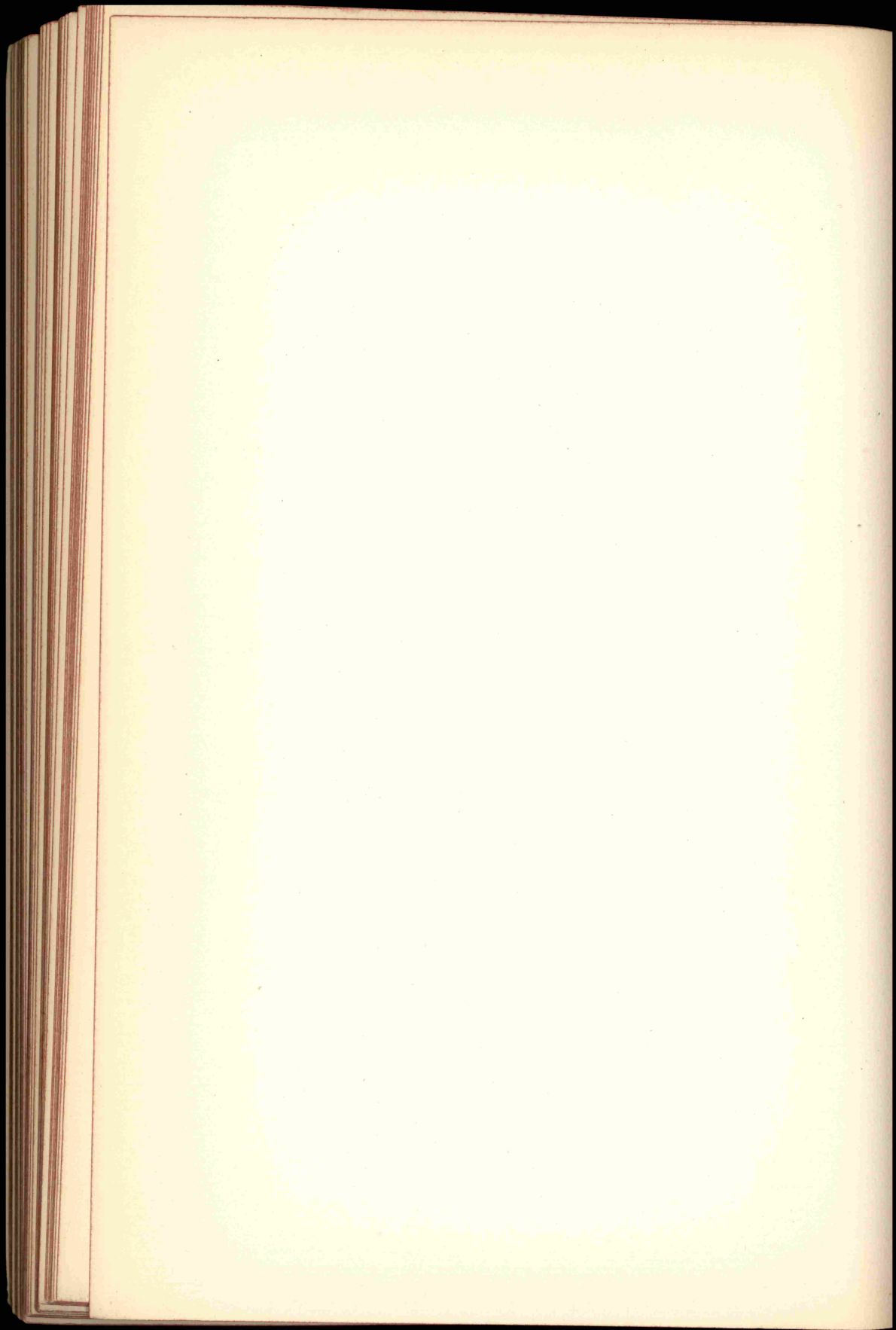
- Livingston vs. Trinity Church, 16 Vroom, 230.
Doremus vs. Dutch Church, 2 Gr. Chy., 332.

AS TO RECTOR'S CONTRACT.

- Jennings vs. Scarborough, 27 Vroom, 402.
Lynd vs. Menzies, 4 Vroom, 162.

EXTENT OF JURISDICTION OF CIVIL COURTS.

- Jennings vs. Scarborough, 27 Vroom, 402.
Hendrickson vs. De Cow, Sax., 577.
Ludlam vs. Higbie, 3 Stock., 342.



Part III.

FORMS AND MODES OF PROCEDURE.

A.

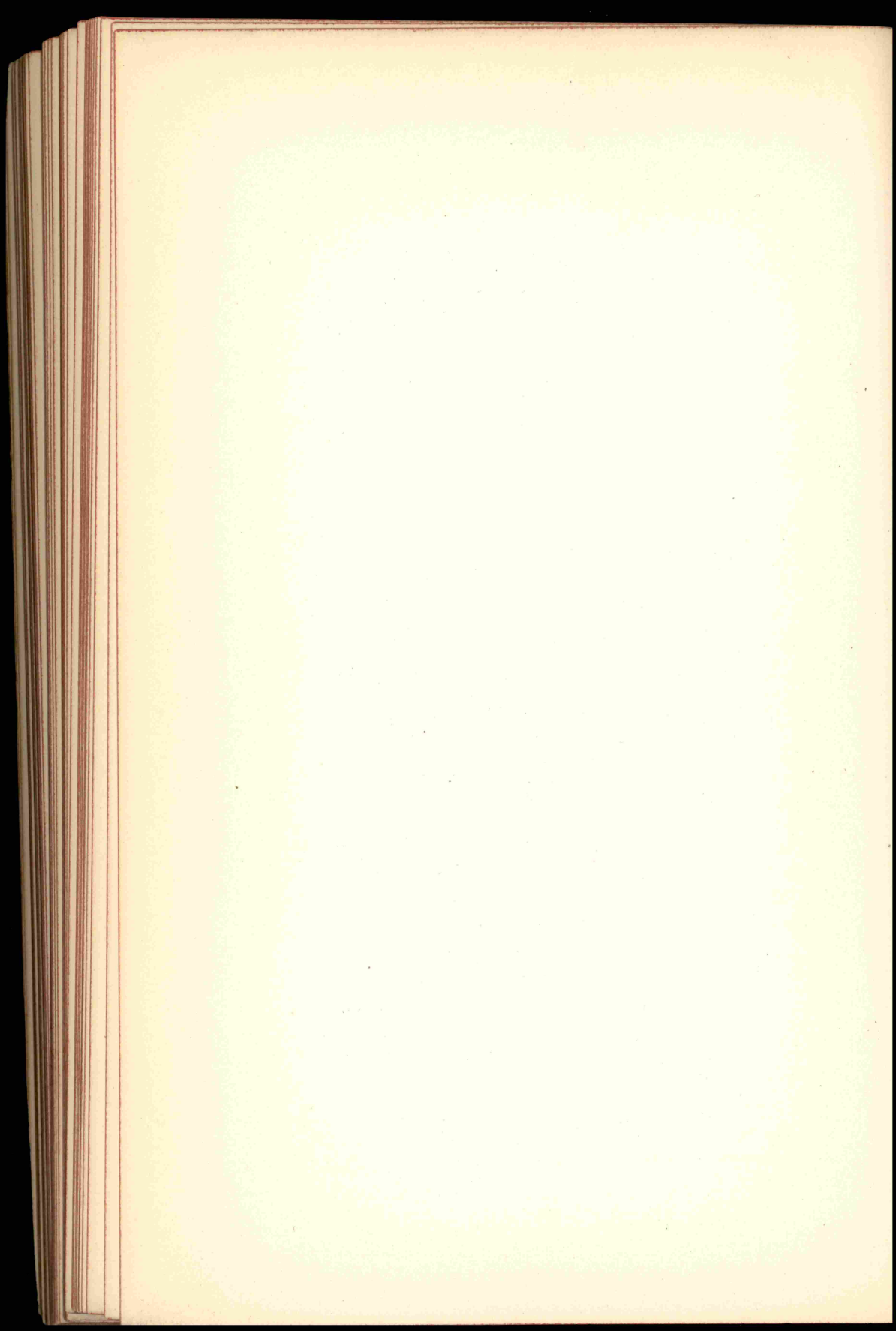
THE ORGANIZATION AND INCORPORATION
OF A PARISH AND ITS ADMISSION INTO
UNION WITH THE CONVENTION.

B.

MODE OF PROCEDURE FOR A PARISH DESIR-
ING TO CHANGE ITS CERTIFICATE
OF INCORPORATION.

C.

FORMS FOR PETITION AND CONSENT OF
BISHOP AND STANDING COMMITTEE
TO SELL OR MORTGAGE CHURCH
PROPERTY.



FORMS.

A.

THE ORGANIZATION AND INCORPORATION OF A PARISH AND ITS ADMISSION INTO UNION WITH THE CONVENTION.

Before a Parish can be admitted into union with the Convention it must be *incorporated*, and before it can become incorporated it must be *organized*. The forms of procedure for each are as follows:

A Parish must first be organized.

I. ORGANIZATION.

Application must first be made to the Bishop by the parties desiring to establish a Parish. (*Canon 7, Sec. 1. [2].*) This application may be in the following form:

Application to the Bishop.

We, the undersigned, desiring to establish a parish in..... to be designated and known as the Rector, Wardens and Vestrymen of.....Church in.....do hereby present to and lay out before the Bishop of Newark the following statement of our condition and of the prospect of maintaining our organization. (*Here should follow a statement of the facts as called for herein.*)

Form of Application.

This application must be signed by fifteen communicants, of whom five at least shall be male adults.

On receipt of this application the Bishop gives thirty days' notice to the Parish or Parishes, if any, whose limits include the proposed Parish.

Notice to be given to Parishes affected.

This notice may be in the following form:

To the Rector, Wardens and Vestrymen of.....in.....

Form of Notice.

You are hereby notified that it is proposed to establish a new Parish to be known as.....within the limits of your Parish, and that any objection to the formation thereof will be duly considered, if submitted to me in writing within..... days from the date hereof.

Dated.....

.....
Bishop of Newark.

The consent of the Bishop (after consultation with the Standing Committee) for the formation of the proposed Parish shall be given in the following form:

Consent of Bishop and Standing Committee must be obtained.

FORMS.

DIOCESE OF NEWARK.

Form of Notice.

The formation of a new Parish in....., County of....., Diocese of Newark, to be known as.....Church, having been duly considered, I do hereby give my canonical consent to the formation of said Parish.

Given under my hand this.....day of.....in the year of our Lord one thousand nine hundred and.....

Attest:.....

.....

Bishop of the Diocese.

Secretary of Standing Committee.

Notice of Parish Meeting to be given.

This consent of the Bishop having been obtained, notice of contemplated organization must be given during public service, at the usual place of worship on two successive Sundays next preceding the day of meeting, stating the place of meeting, the object of the meeting, that it is for the purpose of organizing a Parish, the election of two Wardens, and such number of Vestrymen as may then be determined upon, fixing the date of the annual meeting, and the adoption of Articles of Association. On the day and at the hour designated, the qualified voters present shall first decide by a majority vote whether they shall become an organized Parish. If the vote be in favor of organization, they shall next decide the name by which the proposed Parish shall be known, then the date of the annual meeting of the Parish, then the number of Vestrymen to be elected, and then they shall proceed to the election of two Wardens and the number of Vestrymen before determined upon, which shall be either three, six, or nine.

The meeting shall then adopt Articles of Association in the following words: (See Canon 7, Sect. 2 [4], for Canonical form).

A certified copy of these Articles of Association must be laid before the Ecclesiastical Authority of the Diocese.

All the proceedings taken for the organization of a Parish, together with the notices, should be recorded in the Parish book of minutes.

FORMS.

II. MODE OF INCORPORATING A PARISH.

The Congregation having been duly organized, may proceed to become a body corporate in manner following:

A notice, signed by the Minister, if there be one, and five male members of full age, shall be read during public service at the usual place of worship on the two successive Sundays next preceding the day appointed for the meeting, designating the time and place of such meeting, and the object for which it is called.

Notice of
Parish
Meeting to
be given.

This notice may be in the following form:

NOTICE

Notice is hereby given to the congregation of.....Church in....., that a meeting of the duly qualified voters of said Church will be held in....., on....., the.....day of....., at.....o'clock in the.....noon, for the purpose of taking such measures as may be necessary to incorporate the said congregation in accordance with the provisions of chapter sixty-two of the laws of nineteen hundred and one of the State of New Jersey, approved March 20, 1901, and entitled "A Supplement to an Act, entitled 'An Act to incorporate Trustees of Religious Societies' (Revision), approved April 9, 1875, etc."

Dated.....

Form of
Notice.

This notice must be signed by the Minister, if there be one, and five male members of full age.

The Congregation having met at the time and place appointed, the Minister shall preside; but if he be absent, or there be no Minister, then some duly qualified voter chosen by the meeting shall preside; a Secretary shall be chosen to record the proceedings of the meeting.

The meeting shall then proceed in accordance with the provisions of Sec. 1, of the Supplement to the Religious Societies Act, approved March 20, 1901 (see page 78 of this Manual).

A certificate shall then be executed, under the hands and seals of the Chairman and Secretary of the meeting, and acknowledged or proved in the same manner as deeds of conveyance of real estate are required to be acknowledged or proved, and may be in the following form:

Certificate to
be executed.

FORMS.

Form of Certificate of Incorporation.

To All Whom These Presents May Concern:

We, whose names and seals are hereunto affixed, Do Certify: That, in accordance with the provisions of chapter sixty-two of the laws of nineteen hundred and one of the State of New Jersey, approved March 20, 1901, and entitled "A Supplement to an Act, entitled 'An Act to incorporate Trustees of Religious Societies' (Revision), approved April 9, 1875, and providing for the incorporation and management of Congregations or Parishes of the Protestant Episcopal Church in this State, etc.;" Congregation of.....in....., County of..... and State of New Jersey, the same being a Congregation of the Protestant Episcopal Church in the State of New Jersey, duly organized in accordance with the Constitution and Canons of said Church, assembled in a meeting at, in said.....of....., on the.....day of....., in the year of our Lord, nineteen hundred and....., pursuant to a notice, signed by the Minister in charge (*if there be one*), and by five male members of said Congregation, of full age, and read during public service at....., the same being the usual place of worship of the Congregation aforesaid, on the two successive Sundays next preceding the day of the said meeting, which notice designated the time when and the place where said meeting was to be held, and also specified the object for which the said meeting was called.

That the Reverend....., the Minister in charge of the Congregation aforesaid (*if there be no Minister in charge, so state, and that A. B. was chosen to act as Chairman*), presided at the said meeting, and that was chosen as Secretary to record the proceedings thereof.

That at least five qualified voters of said Congregation being present, the meeting then proceeded to determine by an affirmative majority vote of the qualified voters present, by ballot, that the Congregation of....., in the.....of, shall become incorporated.

The decision thus made of a majority of the qualified voters present, being in favor of incorporation, the meeting then proceeded by an affirmative majority vote of the qualified voters present, voting separately on each resolution, to determine further, by ballot:

First. That the corporate title of the Congregation shall be "The Rector, Wardens, and Vestrymen of.....Church, in....."

Second. That the date of the annual meeting shall bein the week beginning with the first Sunday in Advent.

Third. That the number of Vestrymen shall be..... (*Three, six, or nine.*)

Thereupon the meeting proceeded to elect by ballot two Wardens, as follows: to hold office until the first annual meeting, and..... to hold office until the second annual meeting; and also to elect in like manner Vestrymen, as follows: to hold office until the first annual meeting, to hold office until the second annual meeting, and to hold office until the third annual meeting.

In Testimony Whereof, and in order that this Certificate may be recorded, we, the Chairman and Secretary of the meeting aforesaid, have hereunto set out hands and seals, this..... day of....., in the year of our Lord nineteen hundred and

..... (s)

..... (s)

FORMS.

State of New Jersey,
County of..... s.s:

Be it remembered, that on this.....day of....., A. D. nineteen hundred and....., before me, the undersigned, a Master in Chancery of New Jersey, personally came.....and....., who, I am satisfied, are the persons named in and who executed the foregoing certificate; and I having first made known to them the contents thereof, they did each thereupon acknowledge to me that they severally executed the same as their voluntary act and deed for the uses and purposes therein expressed.

This certificate must be immediately filed and recorded in the office of the Clerk of the County, in which the Parish is located, whereupon the said Rector, Wardens and Vestrymen become a body corporate.

Certificate to
be executed and
filed.

The Certificate of Incorporation, and the date when it was filed and recorded, together with the notice of the meeting, should be recorded in the book of minutes.

III. ADMISSION INTO UNION WITH THE CONVENTION.

A Parish thus organized and incorporated, desiring admission into union with the Convention, should elect Deputies, who, with the Rector, may make application to the Convention for admission thereto in the following form:

Application for
Admission.

To the Convention of the Diocese of Newark:

We, the undersigned, Rector, and canonically elected Deputies, of.....Church, in.....do hereby in the name and behalf of said.....Church, in....., request of this Convention the admission of said Church into union with the Convention of the Diocese of Newark, and herewith produce and lay before this Convention the Canonical Documents required by Article 5 of the Constitution, as conditions precedent to such admission.

Form of
Application.

.....Rector.
.....
..... } Deputies.
.....

Dated at....., the.....day of....., A. D. 19.....

FORMS.

B.

MODE OF PROCEDURE FOR A PARISH DESIR-
ING TO CHANGE ITS CERTIFICATE
OF INCORPORATION.

Certificate of
Incorporation
may be changed.

An incorporated Parish may change its corporate title, the number of its Vestrymen, the term of office of its Wardens and Vestrymen, or the date of its annual meeting, in the following manner:

Vestry to
recommend
changes.

A meeting of the Vestry shall first be called by giving at least one week's notice to each member thereof, stating the object of the meeting; then, if the Vestry at such meeting, by a two-thirds vote of all the members thereof, shall recommend that such change or changes be made, a Special Parish Meeting shall be called in the same manner as required for an Annual Meeting of the Parish, but such notice must specify the object for which the meeting is called, and may be in the following form:

Parish
Meeting to be
called.

NOTICE.

Form of Notice
of Meeting to
change Certi-
ficate of
Incorporation.

A Special Meeting of the Parish of.....Church, in....., will be held in....., on....., the.....day of....., A. D. 19.....at.....o'clock in the.....noon, to consider and ratify the following changes in the Certificate of Incorporation of said Parish, as recommended by the Vestry thereof:

First. That the corporate title of said Parish be changed from "The Rector, Wardens and Vestrymen of....., Church in.....," to "The Rector, Wardens and Vestrymen ofChurch, in....."

Second. That the number of Vestrymen of said Parish be changed from.....to.....

Third. That the term of office of the Wardens of said Parish be changed from one year to two years; that the term of office of the Vestrymen of said Parish be changed from one year to three years; and that at the first annual election after the filing and recording of the Amended Certificate of Incorporation one Warden shall be elected for one year, one Warden for two years, one-third of the whole number of Vestrymen for one year, one-third for two years, and one-third for three years, or until the several successors of such Wardens and Vestrymen are chosen.

Fourth. That the date of the annual meeting of said Parish be changed from..... in the week called Easter week, to in the week beginning with the first Sunday in Advent.

FORMS.

This notice must be signed by the Rector, if there be one, but if there be no Rector, then by both Wardens.

Only those changes duly recommended by the Vestry may be set forth in the notice.

Only changes recommended by Vestry can be made.

The legal voters of the Parish, having met at the time and place designated in the notice, they shall proceed to ballot separately upon each change proposed and recommended by the Vestry; and if such change or changes be ratified by a two-thirds vote of the legal voters present, then a certificate shall be executed, under the hands and seals of the Rector and Secretary of the meeting, and acknowledged or proved in the same manner as deeds of conveyance of real estate are required to be acknowledged or proved. This certificate must be immediately filed and recorded in the office of the Clerk of the County in which the Parish is located; and the change or changes shall not take effect until such certificate has been so filed and recorded.

Special Parish Meeting to be called.

Certificate to be executed and filed.

The certificate may be in the following form:

To All Whom these Presents May Concern:

We, whose names and seals are hereunto affixed, Do Certify: That in accordance with the provisions of chapter sixty-two of the laws of nineteen hundred and one, of the State of New Jersey, approved March 20, 1901, and entitled, "A Supplement to an Act, entitled 'An Act to incorporate Trustees of Religious Societies' (Revision), approved April 9, 1875, etc.," the legal voters of the Parish of.....Church in.....County of....., and State of New Jersey, the same being a duly incorporated Parish according to the laws of this State in such case made and provided, met in Special Parish Meeting in.....aforesaid, in the said.....of....., on the.....day of....., in the year of our Lord, nineteen hundred and....., pursuant to a notice, set up in open view at the door of the said church (or usual place of worship), ten days previously to such meeting, and also read by the Rector (or officiating minister) during public service, on the two Sundays next preceding said meeting, which notice designated the time when and the place where said meeting was to be held, and also specified the object for which said meeting was called.

Form of amended Certificate of Incorporation.

That the Reverend....., the Rector of said Parish (or if there be no Rector, state, there being no Rector, one of the Wardens chosen by the meeting), presided, and..... Secretary of the Vestry (or if the Secretary of the Vestry be absent from the meeting, state, in the absence of the Secretary, duly appointed by the chair), recorded the proceedings of the meeting. That at least five qualified voters being present, the meeting then proceeded by a two-thirds vote of the qualified

FORMS.

voters present, balloting separately upon each proposed change, to ratify the following recommendations of the Vestry of said Parish, previously adopted by a two-thirds vote of all its members at a meeting thereof duly called.

First. That the corporate title of said Parish be changed from "The Rector, Wardens and Vestrymen of.....Church in.....," to "The Rector, Wardens and Vestrymen ofChurch in....."

Second. That the number of Vestrymen of the Parish ofChurch in....., be changed from.....to.....
(Three, six, or nine.)

Third. That the term of office of the Wardens of the Parish of.....Church in..... be changed from one year to two years; that the term of office of the Vestrymen of said Parish be changed from one year to three years; and that at the first annual election after the filing and recording of this Certificate, one Warden shall be elected for one year, or until his successor is chosen, and one Warden for two years, or until his successor is chosen; and also at the said electionVestrymen shall be elected for one year, or until their successors are chosen;Vestrymen shall be elected for two years, or until their successors are chosen; and..... Vestrymen for three years, or until their successors are chosen.

Fourth. That the date of the annual meeting of the Parish of.....Church in..... be changed from....., in the week called Easter week, to....., in the week beginning with the first Sunday in Advent.

In testimony whereof, and in order that this Certificate may be recorded, we, the Rector (*or* Chairman) and Secretary aforesaid, have hereunto set our hands and seals this..... day of....., in the year of our Lord nineteen hundred and.....

..... (s)
..... (s)

(Form of acknowledgment same as for Certificate of Incorporation, see page 117).

Should any one, or more, of the changes above provided for not be recommended by the Vestry, or, if so recommended, be not ratified by the meeting, the provision for such change or changes must be omitted from the foregoing certificate.

FORMS.

C.

FORMS FOR PETITION AND CONSENT OF
BISHOP AND STANDING COMMITTEE
TO SELL OR MORTGAGE CHURCH
PROPERTY.

Petition for Consent of Bishop and Standing
Committee to sell or mortgage Church Property.

To the Bishop and Standing Committee of the Diocese of
Newark in the State of New Jersey:

The petition of the Rector, Wardens, and Vestrymen of the
.....Church in....., a corporation duly organized and
existing under the laws of the State of New Jersey, respect-
fully shows that said corporation is the owner of the follow-
ing described property, situate, lying and being in the.....
of....., County of....., and State of New Jersey.

(Insert description of property by metes and bounds.)

That said corporation is desirous of selling (or mortgaging
as the case may be) the same to....., for the sum of.....
dollars, for the following reasons: *(Insert here the reasons
for desiring to sell or mortgage the described property.)*

That all necessary and formal resolutions have been
passed by the Vestry of the Corporation and certified copies
thereof are hereto attached and made a part of this
petition.

The said corporation therefore respectfully prays that the
consent of the Bishop and Standing Committee be given to
said sale (or mortgage).

Dated.....

*(Signature of Officers of Corporation
and Seal of Corporation.)*

Form of
Petition to
Bishop and
Standing
Committee.

FORMS.

Consent of Bishop and Standing Committee to
Sale or Mortgage of Church Property.

Form of Con-
sent of Bishop
and Standing
Committee.

KNOW ALL MEN BY THESE PRESENTS,

That we....., Bishop of the Diocese of Newark, and.....
....., being a majority of the members of the
Standing Committee of the Diocese of Newark, in the State of
New Jersey, do hereby give our written consent to the mak-
ing, execution, and delivery of a deed (or mortgage) by the
Rector, Wardens and Vestrymen of.....Church, in.....,
County of....., and State of New Jersey, to....., for the
sum of.....dollars, for all that certain lot, tract, or parcel
of land and premises situate, lying, and being in..... (Here
follows description of property by metes and bounds.)

In witness whereof we have hereunto set our hands and
seals this.....day of....., A. D. nineteen hundred and
.....

Signed, sealed and delivered in the presence of:

State of New Jersey,

County of..... ss.:

Be it remembered, that.....on this.....day of....., in
the year of our Lord nineteen hundred and....., before me,
the undersigned, a Master in Chancery of New Jersey, per-
sonally appeared Bishop of the Diocese of
Newark, (name here the members of the Standing Committee
present) members of the Standing Committee of the Diocese
of Newark, and constituting a majority of said Committee,
who, I am satisfied, are the persons named in and who exe-
cuted the above instrument; and I having first made known
to them the contents thereof, they did each thereupon ac-
knowledge to me that they severally signed, sealed, and de-
livered the same as their voluntary act and deed for the
uses and purposes therein expressed.

Part II.

ACT OF THE LEGISLATURE
OF NEW JERSEY
CONCERNING MARRIAGES.

MARRIAGE LAWS.

MARRIAGE LAWS.

An Act concerning marriages (Revision of 1910).

Be it enacted, by the Senate and General Assembly of the State of New Jersey :

1. A man shall not marry any of his ancestors or descendants, or his sister, or the daughter of his brother or sister, or the sister of his father or mother, whether such collateral kindred be of the whole or half blood. A woman shall not marry any of her ancestors or descendants, or her brother, or the son of her brother or sister, or the brother of her father or mother, whether such collateral kindred be of the whole or half blood. A marriage or attempted marriage in violation of any of the foregoing provisions shall be absolutely void.

Prohibited
marriages.

2. The chief justice and each justice of the supreme court, the chancellor and each vice chancellor, and each judge of the court of common pleas and justice of the peace, recorder and police justice, and mayor of a city of this State, and every stated and ordained minister of the gospel, is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society institution or organization in this State may join together in marriage such persons as are members of the said society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong.

Who may
perform
marriages.

3. From and after the first day of July, Anno Domini one thousand nine hundred and ten, it shall be necessary for persons intending to be

Marriage License
necessary.

MARRIAGE LAWS.

Where and by
whom License
issued.

married within this State to first obtain a marriage license and deliver the same to the clergyman, magistrate or person who is to officiate, before the proposed marriage can be lawfully performed; *provided*, that if the marriage is to be performed by or before any religious society, institution or organization, the license shall be delivered to said religious society, institution or organization, or any officer, thereof. If the female party to the proposed marriage is a resident in any city, borough, town or other municipality of this State, such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality wherein such female resides; or if the female party to the proposed marriage is a non-resident of this State, such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality wherein the male party to the proposed marriage resides. If both or either of the parties to the proposed marriage are resident in any township of this State, such license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the assessor of taxes of the township. If both of the parties to the proposed marriage are non-residents of the State, such license shall be obtained, if the proposed ceremony is to be performed within any city, borough, town or other municipality of this State, from the registrar of vital statistics, if there be such officer, and if not, then from the clerk of such city, borough, town or other municipality; but if within any township of this State, the said license shall be obtained from the registrar of vital statistics, if there be such officer, and if not, then from the assessor of taxes of the said township; *provided*, no license to marry shall be issued when either of the contracting parties, at the time of making the

MARRIAGE LAWS.

application, is under the influence of intoxicating liquor or narcotic drug, or is an imbecile, epileptic, or of unsound mind, nor shall any such license be issued to any person who is or has been an inmate of any insane asylum or institution for indigent persons, unless it satisfactorily appears that such person has been discharged from such asylum or institution.

4. The Registrar of vital statistics, if there be such officer, and if not, then the clerk of every city, borough, town or other municipality in this State, and the assessor of every township in this State, is hereby empowered to issue marriage licenses to either of the contracting parties who may apply for the same and who may be entitled under the laws of this State to contract matrimony, authorizing the marriage of such parties, which license shall be substantially in the following form:

State of New Jersey.

County of.....

City, town or township of.....

This is to certify that any person, religious society, institution or organization authorized by law to perform marriage ceremonies within the State of New Jersey to whom this may come, he or they, not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between A..... B..... of..... in the county of..... and State of..... and C..... D..... of....., and to certify the same to be the said parties, or either of them, under his hand and seal in his ministerial or official capacity.

In testimony whereof I have hereunto set my hand and affixed the seal of said town, township or city at..... this..... day of....., nineteen hundred and.....

.....
(Name and official title)

Form of
Marriage
License.

On the reverse side of the marriage license shall be the form for the certificate of marriage, which shall set forth particularly the name, age, parentage, color, birthplace, occupation and residence of each of the persons married, the date and place of the marriage, whether single, widowed or divorced, the signature of the minister, magistrate or person by whom, or the name

Certain facts
given.

MARRIAGE LAWS.

of the religious society, institution or organization before whom the marriage was solemnized, and the signature and place of residence of at least two witnesses who were present at such marriage.

Oath of
applicant.

5. Before any assessor, registrar or clerk shall issue any marriage license, as provided in the third and fourth paragraphs of this act, he shall require one of the contracting parties to subscribe and swear to an oath or affirmation attesting the truth of the facts respecting the legality of the proposed marriage, and he shall issue the said license only if it shall be so made to appear before him that no legal impediment to such marriage exists. For issuing such license he shall be entitled to receive from the applicant the sum of one dollar.

License fee.

Information
supplied to
License Officers.

6. The State Bureau of Vital Statistics shall cause to be issued to the several assessors of the townships, registrars of vital statistics, if there be such officers, and, if not, then to the clerks of the cities, boroughs, towns and other local municipal governments in this State the form and substance of the several inquiries to be made of any applicant for marriage license as aforesaid, in order that the several assessors, registrars and clerks shall be enabled to obtain the information required to ascertain whether any legal impediment to any proposed marriage exists.

Consents
necessary in case
of minors.

7. If any such male applicant for license to marry shall be a minor under the age of twenty-one years, or any such female applicant under the age of eighteen years, such license shall not be issued unless the parents or guardians of the said minor, if there be any, shall first certify, under their hands and seals, in the presence of two reputable witnesses, their consent thereto; which consent shall be delivered to the assessor, registrar or clerk issuing the license. If the parents, or either of them, or guardians of any such minor shall be of unsound mind, then the consent of such parent or guardian to the proposed marriage shall not be required.

MARRIAGE LAWS.

8. If any person applying for license under this act shall knowingly make false answer to any of the inquiries asked by the assessor, registrar or clerk, he or she shall be deemed guilty of perjury, and shall, upon conviction thereof, be subject to the penalties imposed therefor by the laws of this State.

Penalty for perjury.

9. If any person or persons, or any religious society, institution or organization, having authority to solemnize marriages, shall perform any marriage ceremony between parties without the presentation of a license therefor, obtained in accordance with the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be sentenced to imprisonment for a term not exceeding six months, or to pay a fine not exceeding five hundred dollars, or both, at the discretion of the court. Any person or persons authorized to solemnize marriages are also empowered to administer oaths or affirmations to the parties applying to be married, and to require them, or either of them, to make true answers to any inquiries he or they may make of them, or either of them, in order to ascertain whether in his or their judgment any legal impediment to the proposed marriage exists; and any person willfully making false answer to any of such inquiries shall be deemed guilty of perjury, and upon conviction be subject to the penalty imposed therefor by the laws of this State; provided such answer or answers be reduced to writing and signed by the party making the same and attached to the marriage certificate.

Penalty for illegally performing marriage.

Officiating official may administer oaths.

Proviso.

10. Any person, religious society, institution or organization authorized to perform the ceremony of marriage, who shall make any false certificate of marriage, shall be liable to a penalty not exceeding one hundred dollars, to be recovered as hereinafter provided.

Penalty for false certificate.

11. Nothing in this act contained shall be deemed or taken to render any common law or

As to Common Law marriages.

MARRIAGE LAWS.

other marriage, otherwise lawful, invalid by reason of the failure to take out a license as is herein provided.

License and
Certificate
transmitted to
issuing officer.

12. It shall be the duty of every judge of any court of common pleas, justice of the peace, recorder, police justice, mayor, minister of the gospel, and other person who shall solemnize any marriage in this State, or the clerk or keeper of the minutes of any religious society, institution or organization, before which any marriage shall be solemnized in this State, to transmit to the officer by whom such marriage license was issued, within five days after such solemnization, the marriage license, together with the certificate of marriage. Any minister, magistrate or other person, or clerk or keeper of the minutes of any religious society, institution or organization, who shall neglect or fail to transmit such certificate and license to the officer hereinafter designated within the time aforesaid, shall be liable to a penalty not exceeding fifty dollars.

Penalty for not
transmitting.

Transmit to
Registrar or
Assessor.

13. Every certificate of marriage and every marriage license required to be made by this act shall be transmitted by the person or society performing the marriage to the local registrar of vital statistics, if there be such officer, and if not, then to the clerk of the city, borough or town in which such marriage shall occur, or to the clerk of any county board of health now established in this State, and in any township every such certificate shall be transmitted to the registrar of vital statistics or assessor of the township in which such marriage shall occur, or if there be no registrar of vital statistics or assessor in office, then to the township clerk.

Licenses, etc.,
sent monthly to
bureau of vital
statistics.

14. It shall be the duty of each registrar of vital statistics, if there be such officer, and if not, then the assessor or clerk of every township, and the clerk of every city, borough, town or other local municipal government in this State, and the clerk of every county board of health and vital statistics, on or before the tenth day of each

MARRIAGE LAWS.

calendar month, to transmit by mail, express or messenger, to the State Bureau of Vital Statistics, at Trenton, in an envelope or package marked "Vital Statistics," all the certificates of marriages, marriage licenses and consents to the marriage of minors, received by such officer, which certificates, licenses and consents it shall be the duty of every such officer to receive for transmission, and every such assessor, registrar or clerk upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of marriages transmitted as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, county or other local municipal government in which such assessor, registrar or clerk shall be an officer, the sum of twenty cents for each marriage certificate so transmitted, the receipt for which shall be attached to the said certificate of the said medical superintendent, and no payment shall be made unless such certificate be produced, and no credit shall be given or certificate issued by the said medical superintendent to any such assessor, registrar or clerk for any certificate of marriage which is mailed or otherwise transmitted later than ten days after the end of the calendar month in which the marriage occurred; *provided*, that in any city the board or body having the appointment of registrars or persons acting as such may, in lieu of fees, provide that officers performing the above service shall receive therefor a stated or fixed compensation to be determined by such board or body. Any assessor, or clerk of a township, or registrar of vital statistics, or clerk of a city, borough, town, county or other local municipal government in this State who shall neglect or fail to transmit, as provided for in this section, to the State Bureau of Vital Statistics, at Trenton, on or before the tenth day of each calendar month, all certificates of marriage in his possession, shall be

Fee for
transmittal.

Proviso.

MARRIAGE LAWS.

Penalty for failure to transmit.

Indexing and preservation of records.

Records in evidence.

Blanks, etc., furnished by State Bureau.

liable to a penalty of fifty dollars, to be recovered as hereinafter provided.

15. It shall be the duty of the medical superintendent of the State Bureau of Vital Statistics to cause the certificates of marriages and marriage license received by said bureau pursuant to the provisions of this act, to be alphabetically indexed, and in connection with said index to cause to be transcribed, or otherwise recorded from said certificates, such of the vital facts appearing thereon as the State Bureau of Vital Statistics may deem necessary and useful. The certificates of marriages shall be so tabulated as to present in separate and distinct classes the record of each county, city or other municipality of over five thousand inhabitants, which record thus prepared and classified shall be preserved as a public record in the office of the State Bureau of Vital Statistics, and the original certificates shall be preserved in the archives of the Bureau of Vital Statistics. Any original certificate of marriage, marriage license and consent to the marriage of minors, or any copy thereof, certified to be a true copy under the hand of said medical superintendent, shall be received in evidence in any court of this State as prima facie proof of the facts therein contained.

16. It shall be the duty of the State Bureau of Vital Statistics to cause to be prepared blank forms of certificates of marriages and marriage licenses corresponding to the requirements of this act, which forms, together with such sections of this law and such instructions and explanations thereof as the said bureau may deem useful to persons having duties to perform under this act, shall be printed and supplied in the same manner as the blanks and stationery for the use of the several departments of the State government are printed and supplied, and shall be distributed from time to time, as occasion may require, by said bureau to the assessors of townships, the registrars of vital statistics and the clerks of the

MARRIAGE LAWS.

cities, boroughs, towns and other local municipal governments of this State; and all certificates of marriages and marriage licenses required to be made under this act shall be written upon the said blanks.

17. Any penalty incurred under any of the provisions of this act may be recovered, with costs, in an action of debt by and in the name of the local board of health of the municipality where the marriage occurred, or by and in the name of the Board of Health of the State of New Jersey.

Penalties, how recoverable.

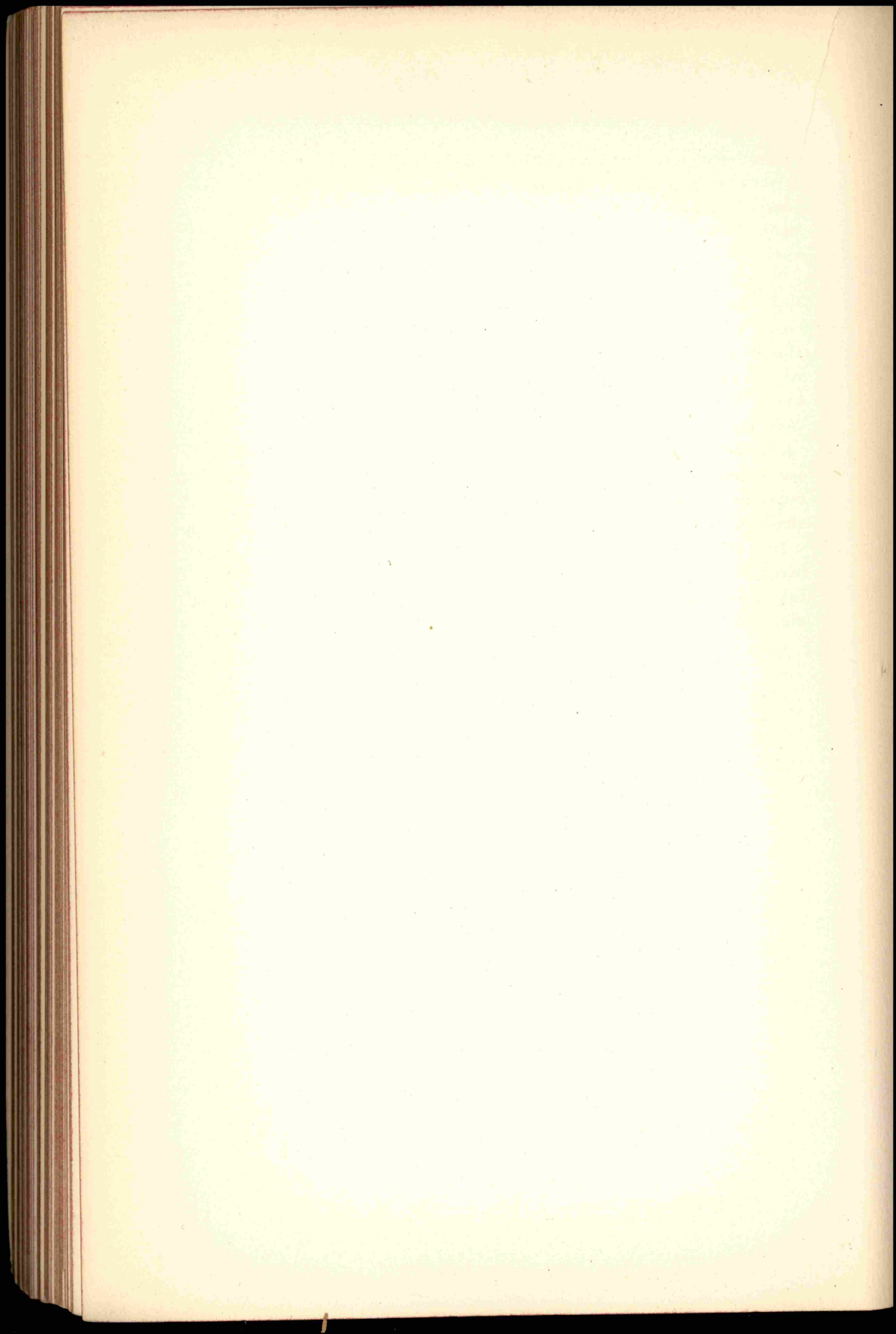
18. In event that any section of this act, or part thereof, shall be held to be invalid by a court of competent jurisdiction, such adjudication shall not affect the other portions of this act.

Invalidity of Section.

19. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect July first, Anno Domini one thousand nine hundred and ten.

Repealer.

In effect.



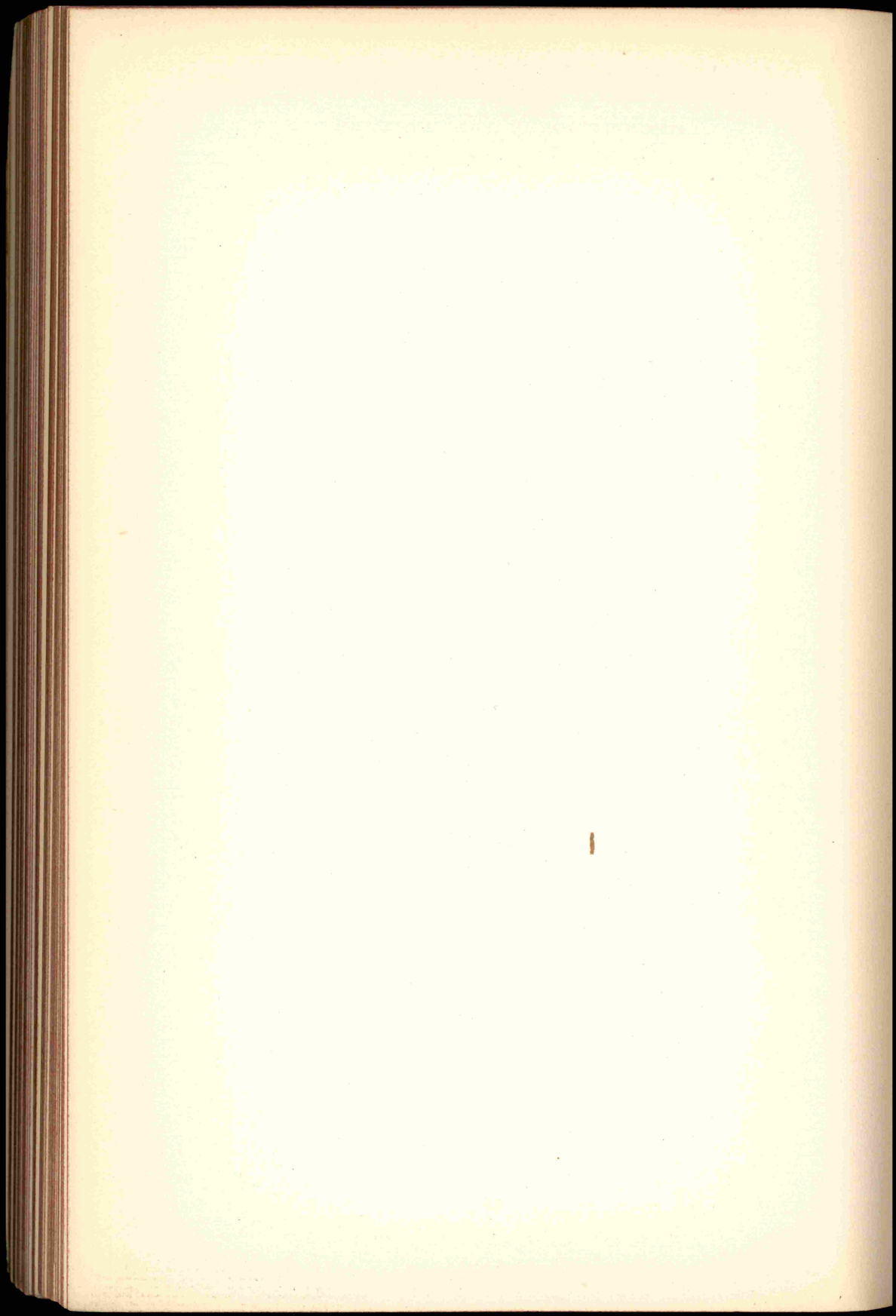
Part III.

CONSTITUTION AND STATUTES

OF THE

CATHEDRAL OF ALL SAINTS

DIOCESE OF NEWARK.



CONSTITUTION OF THE CATHEDRAL.

CONSTITUTION OF THE CATHEDRAL OF
ALL SAINTS IN THE DIOCESE
OF NEWARK.

PREAMBLE.

For the worship of Almighty God, for the extension and upbuilding of His kingdom in the City and the Diocese of Newark, for the establishment and maintenance of schools for the Christian training of His children, for the discharging of all works of mercy, both spiritual and temporal, and for the establishing and strengthening of a Diocesan centre of unity, influence, and work,

We, the Bishop and General Chapter of the Cathedral of All Saints, in the Diocese of Newark, do hereby, in accordance with powers conferred by Acts of the Legislature of the State of New Jersey, adopt the following Constitution.

CONSTITUTION OF THE CATHEDRAL.

ARTICLE I.

Of the General Chapter.

General Chapter. 1. The persons holding the following offices shall, by virtue of their office, be the body corporate known as the CATHEDRAL OF ALL SAINTS IN THE DIOCESE OF NEWARK, and shall constitute the General Chapter, to wit:

The Bishop of the Diocese,
The Bishop Coadjutor, if there be one,
The Dean of the Cathedral,
The Archdeacons of the Diocese,
The Members of the Standing Committee,
The Deputies to the General Convention,
The Members of the Board of Missions, and
Church Extension,
The Rector of Trinity Church, Newark,
The Rector of Grace Church, Newark,
The Secretary of the Diocese,
The Treasurer of the Diocese,
The Chancellor of the Diocese, and

Such other persons (not exceeding five), being Communicants of the Church in good standing, as the Convention may, at its option, elect, and shall be known under the name and style of the General Chapter of the Cathedral of All Saints in the Diocese of Newark.

Name.

Power to elect.

2. The General Chapter shall have power to elect, annually, the five clerical and six lay members of the Chapter as hereinafter described and provided in Article II of this Constitution.

Vacancies.

3. It shall be the duty of the General Chapter, meeting upon the summons of the Bishop, to fill all vacancies in the Chapter, occurring by death or otherwise; the said summons to state distinctly the vacancies to be filled, and to be issued at least ten (10) days before the time of meeting.

When to assemble.

4. The General Chapter shall assemble, when duly summoned by the Bishop, to attend him as Visitor of the Cathedral. They shall also assemble, when duly summoned by the Dean, or, if

CONSTITUTION OF THE CATHEDRAL.

there be no Dean, then by the next in rank, to assist in the enthronement of the Bishop of Newark as soon as possible after the said Bishop's accession as Diocesan.

ARTICLE II.

Of the Chapter.

1. The Right Reverend Edwin Stevens Lines, D. D., Bishop of the Diocese of Newark, and his successors in office, together with the Bishop Coadjutor, if there be one, the Dean of the Cathedral, and five (5) priests canonically resident in the Diocese of Newark in good standing and members of the General Chapter as hereinbefore described, and six (6) laymen, communicants in good standing in said Diocese, and members of the aforesaid General Chapter, shall constitute, when elected or appointed, the Chapter or governing body of the Cathedral of All Saints in the Diocese of Newark.

Chapter, how constituted.

2. The said Chapter is vested with the power of controlling and managing the estate, property, and temporal affairs of this Corporation, and of adopting or enacting by-laws for the government of themselves, subject to the approval of the General Chapter. Provided, however, that nothing herein contained shall be construed to affect any right, power, or privilege that is, or may be, vested in the Bishop of the said Diocese of Newark.

Powers.

3. No action of the said Chapter involving any disposition of the moneys, securities, or other property of the Corporation exceeding in amount or value the sum of \$1,000.00 shall be valid or binding on this Corporation unless at least a majority of the clerical and a majority of the lay members of the General Chapter as hereinbefore named and constituted shall have concurred therein by a vote at a meeting of the said General Chapter duly convened.

Limitation of power.

CONSTITUTION OF THE CATHEDRAL.

ARTICLE III.

Of Meetings of the General Chapter.

Who may call
meetings.

1. The General Chapter shall meet upon the summons of the Bishop issued not less than ten (10) days in advance, for the election of any member of the Chapter. The Bishop may also, at any time, summon the General Chapter to consider any matter which he may desire to lay before it. In case of a vacancy in the office of Bishop then the Dean, or if there be no Dean, or he be absent, then the next in rank may call a meeting of the General Chapter, in the manner herein provided.

Quorum.

2. Ten members shall be a quorum of the General Chapter for the transaction of business.

Election
by ballot.

3. All elections, also all votes on dismissal of any person connected with the Cathedral, shall be by ballot.

Votes.

4. No member of the General Chapter shall have the right to more than one vote on any question, except the Bishop, who shall have, besides his vote as a member of the General Chapter, the casting vote in case of a tie.

ARTICLE IV.

Of Meetings of the Chapter.

Regular
Meeting.

1. A regular meeting of the Chapter shall be held every month.

Special
Meetings.

2. Special meetings may be called at any time by the Bishop himself, or by him on the written request of any three (3) members of the Chapter; such written request always containing a distinct statement of the reason therefor, and each call for such special meeting to be issued at least three (3) days before said special meeting.

Quorum.

3. A majority of the members shall be a quorum for business, provided that either the Bishop or the Dean, and also three (3) of the lay-members be present. In Chapter each member shall have equal right of proposing motions, of

CONSTITUTION OF THE CATHEDRAL.

free speech and free vote on all matters put to question, in accordance with the Rule of Order adopted by the Chapter itself.

4. The Bishop, as President, shall have the casting vote in case of a tie, besides his vote as a member; but no question of the election of or dismissal of any one connected with the Cathedral shall be decided by casting vote in case of a tie.

Casting vote.

5. All elections must be by ballot, also all votes on the dismissal of any person from his position in the Cathedral.

Election by ballot.

ARTICLE V.

Of the Bishop.

1. The Bishop of the Diocese is the head of the entire Cathedral organization, with the right to preside, if present, at all meetings of the Chapter and of the General Chapter.

Presiding officer.

2. He (and his Coadjutor, if there be one,) has the right to the use of the Cathedral at his absolute discretion for all Episcopal acts or Diocesan meetings, and the general direction of its services at all times through the constituted officers thereof, subject to the Rubrics and the Canons of the Church.

Right to use of Cathedral.

3. He shall have the right, with the advice and consent of the General Chapter, to appoint a priest of the Church in good and regular standing, to fill the office of Dean, as hereinafter described, and also persons for such other offices of the Cathedral as may be established at any time by the General Chapter.

Appointment of officers.

ARTICLE VI.

Of the Dean.

1. In the absence of the Bishop, and at all times during the Bishop's absence, the Dean is the head of the Chapter. Subject to the direction of the Bishop he shall have spiritual jurisdiction over the Cathedral congregation.

Head of the Chapter.

CONSTITUTION OF THE CATHEDRAL.

Dean to assign
duties.

2. As directed by the Bishop he is to assign Missionary duty to the Canons Missioners of the Cathedral, taking care that such of them as are not otherwise on duty in the Cathedral shall be regularly and constantly officiating in vacant parishes and missions in the Diocese, and in the planting of new centres of work in places designated by the Bishop.

Vacancy.

3. If there be a vacancy in the office of Dean, or if the Dean be absent, his duty shall devolve upon the next in rank.

4. He shall be in residence except during such absences as may be agreed upon with the Bishop.

Election of Dean.

5. For the first election of a Dean, and on the occurrence of a vacancy in the office of Dean, the General Chapter shall be summoned by the Bishop to meet at its accustomed place of meeting not less than one or more than two months after the vacancy occurs, or is known to the Bishop, and in the summons, which shall issue at least ten (10) days before the meeting, he shall state the object of the meeting and shall insert the full name of the person whom he nominates to fill the vacancy, on which nomination the members of the General Chapter present shall, at that meeting, vote aye or no, or they may adjourn for further inquiry or consideration for any time, not more than two (2) subsequent weeks.

Bishop to
nominate.

Filling of
vacancy.

6. If a vacancy in the office of Dean occurs while there is no Bishop of the Diocese, the provisions of the Constitution for the filling of the vacancy shall be in force from the date of the enthronement of the new Bishop of the Diocese.

ARTICLE VII.

Of Canons.

1. The other clergy attached to the Cathedral shall be in two (2) classes, to wit:

Canons Missioners and
Honorary Canons.

CONSTITUTION OF THE CATHEDRAL.

2. Canons Missioners shall be appointed by the General Chapter upon nomination of the Bishop, and shall constitute, with the Dean, the Resident Staff of the Cathedral, whose duty it shall be, under the direction of the Dean, to assist him in the services and work of the Cathedral, and to perform such other duties as are hereinbefore specified in Article VI., and the Canons Missioners shall, in the order of their seniority, take rank after the Dean.

Canons
Missioners.

3. The General Chapter may, from time to time, on nomination of the Bishop, appoint Honorary Canons from the Clergy, canonically resident in the Diocese of Newark, to serve for a specified time, under the direction of the Bishop, as Special Preachers, to whom seats in the Choir shall be assigned next after the Canons Missioners.

Honorary
Canons.

ARTICLE VIII.

Of Other Officers.

1. There shall be a Registrar elected annually by the General Chapter from among its members whose duty shall be that of Secretary to the said General Chapter, and who shall have the custody of the records of the General Chapter.

Registrar.

2. There shall be a Treasurer elected annually by the General Chapter from among its lay members who shall have charge of the funds of the Body Corporate, under such rules as may be provided in the Statutes of the Cathedral.

Treasurer.

ARTICLE IX.

Of Tenure of Office and Removal Therefrom.

The Dean and the Canons Missioners shall hold office during good behavior; but these officers, and all other persons connected with the Cathedral may, at any time after due examination and full opportunity of defence, be removed for sufficient cause shown under the Cathedral Constitution or Statutes, or under the Constitution

Tenure of office.

Removal.

CONSTITUTION OF THE CATHEDRAL.

or Canons of the Church, General or Diocesan; the said removal to be made only by a vote of a majority of the whole General Chapter, duly convened, with the written and recorded approval of the Bishop.

ARTICLE X.

Of Amending this Constitution.

Amendments.

No change shall be made in this Constitution by any addition thereto, omission, or alteration thereof, unless after three (3) months' notice of such proposed change, and by a two-thirds vote of the General Chapter, and the written consent of the Bishop.

STATUTES OF THE CATHEDRAL.

STATUTES OF THE CATHEDRAL OF ALL SAINTS IN THE DIOCESE OF NEWARK.

ARTICLE I.

Of the General Chapter.

§ 1. It shall be the duty of the General Chapter, at the Annual meeting to be held in the first week in June, at the call of the Bishop, in each year, or as soon thereafter as shall be practicable, to provide for the carrying into effect of the objects and purposes of this Corporation as specified in the Act of Incorporation, and the Constitution thereof, viz:

Duties.

- (1) The management and maintenance of the Cathedral of ALL SAINTS in the Diocese of Newark.
- (2) To advance the missionary, charitable and educational work of the Church in the said Diocese in accordance with the Constitution and Canons of this Church, General and Diocesan.

ARTICLE II.

Of the Officers of the Corporation.

It shall be the duty of the Treasurer, who shall be a lay-member of the Chapter, to deposit the moneys of the Corporation in the depositories designated by the Chapter, to make all investments in such securities as they shall direct and in the manner prescribed by the laws of the State of New Jersey for the investment of trust-funds; and to pay all requisitions made upon him by the Chapter; to keep an account of all receipts and disbursements made by him; and to report at each stated meeting of the Chapter a detailed statement of his acts as Treasurer since the last preceding stated meeting of the Chapter; and

Duty of
Treasurer.

STATUTES OF THE CATHEDRAL.

also to make like statements to the Annual Meeting of the General Chapter, and to such other meetings of the General Chapter when called upon to do so.

ARTICLE III.

Of the Auditing Committee.

Duties of Auditing Committee.

A Committee consisting of one (1) clerical and two (2) lay members of the General Chapter shall be annually appointed by the chair at the Annual Meeting thereof held in the first week in June in each year, having power to employ expert accountants, and to audit, at least once each year, the accounts of the Treasurer; to examine the funds, securities and other property belonging to the Corporation; and to report the condition thereof to the General Chapter at its next meeting.

ARTICLE IV.

Of the Alteration and Amendment of these Statutes.

Amendments.

These Statutes may be altered or amended at any meeting of the General Chapter, provided that notice of the proposed alteration or amendment shall have been given to each member of the said General Chapter five (5) days before such meeting.

INDEX

A

- Accumulations to Aged and Infirm Clergy Fund, 42, 43.
- Accusation against Clergyman, how made, 37.
- Action of Bishop, dependent on Consultation with Standing Committee, 28, 31, 32, 33, 34, 66, 71, 72.
- Acts of the Legislature (see Statute Laws).
- Addition to Canons, how made, 45.
- Address of Bishop at Annual Convention, 17, 20.
 - To be published, 17.
- Adjournment of either House of General Convention, 50.
 - When consent of both Houses required, 50.
- Adjustment, Board of, 21, 22.
- Admission of Congregations organized under Trustees, 8.
 - New Dioceses to General Convention, 51, 52.
 - Parishes to Diocesan Convention, 7.
 - Presbyters and Deacons belonging to Diocese to Seats, 6.
- Advent, first Sunday in, when date of Parish Meeting, 79, 83.
- Age of Bishop at time of Consecration, 51.
 - Minors desiring to be married, 128.
- Aged and Infirm Clergy Fund (see Fund for Aged and Infirm Clergymen).
- Alms, at Celebration of Holy Communion, disposal of, 61.
 - How to be used, 61.
- Alterations in Articles of Religion, 57.
 - Book of Common Prayer, how made, 57.
 - Canons of Diocese, how made, 45.
 - Constitution of Diocese, 11, 12.
 - General Convention, 58.
 - Table of Lessons, 58.
- Alternate Deputies to Diocesan Convention, how elected, 27.
 - Form of Certificate of Election, 16.
 - Qualifications of, 28.
- Amended Certificate of Incorporation of Parish, form of, 119, 120.
- Amendments to Book of Common Prayer, how made, 58.
 - Canons of Diocese, 45.
 - Form of, 45.
 - When to take effect, 45.
 - Constitution of Diocese, 11.
 - General Convention, 58.
- Amounts of Bishop's Salary, 22, 23.
- Amounts Assessed by Convention, when to be paid, 20.
- Annual Collection for Aged and Infirm Clergy Fund, 41.
 - How appropriated, 41.

- Fund for Widows and Orphans, 43.
 - How appropriated, 43.
- Convention of Diocese (see Convention of Diocese).
- Interest on Parish bonds, 7, 20.
 - Penalty for non-payment, 6, 7.
- Missionary Council, 23.
- Parish Meeting (see Parish Meeting).
- Reports (see Reports).
- Annuitants of Aged and Infirm Clergy Fund, Regular, 43.
 - Special, 42.
- Annuities of Clergymen, when made, 43.
 - Amount of, 43.
 - Requirements to receive, 43.
- Application of foreign lands for Consecration of Bishop, 52.
 - To Bishop to organize Mission, 33.
 - Form of, 33.
 - By whom signed, 33.
 - Consent of Bishop, to be endorsed thereon, 33.
 - To be filed with Secretary of Convention, 33.
 - Meeting of signatories, 34.
 - For consent to organize Parish, 28, 108.
 - Form of, 113.
 - Of Minister to fix Parish boundaries, 32.
- Appointment of Archdeacons, 25.
 - Assistant Secretary of Diocesan Convention, 9.
 - Committee on rights of Clerical members, 15.
 - Lay Deputies, 16.
 - On Finance, 18.
 - Of Inquiry, of accused Minister, 37.
 - Person repelled from Holy Communion, 69.
 - Missionaries, 24, 33, 34.
 - Place of meeting of Diocesan Convention, 5.
 - General Convention, 51.
 - How changed, 51.
 - Registrar of Diocesan Convention, 17.
 - Warden of Mission, 34.
- Appropriations for Aged and Infirm Clergy, 41, 42.
 - Funeral expenses of Clergyman, 42.
 - Widows and Orphans of Clergymen, 43, 44.
- Archdeacons appointed by Bishop, 25.
 - Duties of, 25.
 - Expenses to be paid, 25.
 - Members of Board of Missions ex officio, 23.
- Architecture, Commission on Church, 35.
- Army Chaplain, member of Convention, 6.
- Arrears of Assessments to be reported, 20.
 - Contributions may disqualify voters, 28.
- Articles of Association of a Parish, 30, 31.
 - Form of, 30, 31.
 - Copy of, to be sent to Bishop, 31.
 - Of Religion, how altered, 57, 58.
- Assessment Roll, 20.

- Assessments upon Parishes, Rate of, 19.
 - To whom paid, 20.
- Convention expenses, 18.
 - To whom paid, 20.
- Other expenses, 18, 19.
- Penalty for failure to pay, 7.
 - May be remitted by Convention, 7.
 - How remitted, 22.
- Report of, to be made to Board of Adjustment, 22.
- Assistant Minister of Parish to have seat in Convention, 6.
- Certificate of Election of, to be sent to Bishop, 59.
- Secretary of Diocesan Convention, 9.
- Association, Articles of, to be adopted by Parish, 30, 114.
 - Form of, 30, 31.
 - Copy to be sent to Bishop, 31.
- Attendance of members of Diocesan Convention, 16.
- Attendants, regular, only, can vote at Parish meetings, 27.
- Auditing Committee of Cathedral Chapter, 146.
- Authority of Church acknowledged by Diocese, 5.
 - Ecclesiastical (see Ecclesiastical Authority).
- Authorized Versions of Bible to be read in Church, 69.

B

- Ballot necessary to determine question of Incorporation of Parish, 79.
 - To change Certificate of Incorporation, 85.
- Consolidate Parishes, 85.
- Elect Wardens and Vestrymen, 83.
- For all elections, unless otherwise provided, 17.
- When may be dispensed with, 17.
- Baptism, necessary qualification for voter at Parish meetings, 27.
- Baptisms to be recorded in Parochial Register, 29, 61.
 - Report of, to be sent to Bishop annually, 26.
- Bishop alone can pronounce sentence on minister, 57.
 - Age required before Consecration, 51.
- Bishop of Diocese, Head of the Church in the Diocese, 33.
 - Cathedral organization, 141.
 - How elected, 11, 51.
- Consent of, necessary for Admission of New Parish, 7, 8.
 - Alienation of real Church property, 71, 80, 81.
 - Consent to be executed and filed, 81.
 - Consecration of Church, 70.
 - Consolidation of Diocese, 53.
 - Of Parish, 85.
 - Consent to be executed and filed, 85.
- Designation of Mission Station, 24.
- Division of Diocese, 53, 94.
- Election of Minister to a Parish, 59.
- Formation of New Parish, 28, 29, 115.
 - Of Parish boundaries, 31, 32.
- Organization of a Mission, 33, 34.

- Parish to form integral part of Diocese, 31.
- Removal or destruction of Church edifice, 71.
- Transfer of minister, 64.
- May appoint Committee of Investigation, 37.
- Cause vacant parish to be supplied, 59.
- Call special meetings of Cathedral Chapters, 140.
- Choose Diocese, in case of division of Diocese, 54.
- Establish Missions, 33.
 - Due notice to be given to Parishes affected, 33.
 - If objection, to consult with Standing Committee, 33.
- License Lay Readers, 65.
 - May be revoked by him, 65.
 - Persons, not ministers, to make addresses on special occasions, 65.
- Nominate Candidate for Scholarship in Seminary, 44.
- Propose cession of portion of Diocese to General Convention, 55, 56.
- Restore person repelled from Holy Communion, 69.
 - If not restored, to make inquiry, 69.
- Member of Board of Missions, 23.
 - Cathedral Chapters, 139.
 - Missionary Council, 23.
- Must consult with Standing Committee before formation of New Parish, 28.
- Not to resign jurisdiction without consent of House of Bishops, 52.
- Rights and Duties in Cathedral Organization, 141.
- Salary of, Canon on, 18.
- To appoint all Missionaries, 24, 33, 34.
 - Appointment may be revoked, 34.
- Archdeacons, 25.
- Committee of inquiry, when, 37.
- Warden of Mission, 34.
 - Appointment may be withdrawn, 34.
- Approve Consolidation of Parishes, 85.
- Be tried by court composed of Bishops, 57.
- Call first meeting of Board of Missions, 24.
 - May call other meetings, 24.
 - Special convention, 5.
- Confine exercise of office to own jurisdiction, 52.
 - Exception, 52.
- Consult with Standing Committee before acting as Arbitrator, 66.
- Approval of Parish boundaries, 31.
- Assigning Mission boundaries, 34.
 - Notice to Parishes to be given, 34.
- Consenting to removal of Church edifice, 71.
- Establish mission, when objections, 28.
- Formation of new Parish, 7, 28, 29, 114.
- Union of Parish with Convention, 7, 8.
- Deliver certified list of clergy to Secretary of Convention, 15.
 - Of Ordinations to Secretary, 15.
 - Charge or Address to Convention, 17.
- Designate Supplementary Deputies, 11.

- Direct how interest of permanent Missionary Fund applied, 26.
- Secretary of Convention to record fact of Pastoral Dissolution, 67.
- What portion of parochial reports be published, 26, 72.
- Examine candidates before ordering Priest or Deacon, 56.
- Have consent of Standing Committee before approving Parish boundaries, 31, 32.
- Give certificate to minister coming from out Diocese, 64.
- Form of certificate, 64.
- Notice to Parish of intended visitation, 60.
- Time of notice, 60.
- Have a seat and vote in Diocesan Convention, 8.
- In House of Bishops, 49.
- Make Canonical declaration before Consecration, 56.
- Form of declaration, 56.
- Inquiry regarding Repulsion of Communicants, 69.
- His decision thereon to be delivered, 69.
- Nominate Canons Missioners, 143.
- Dean of Cathedral, 141, 142.
- Honary Canons, 143.
- Officiate at opening of Diocesan Convention, 17.
- Prescribe regulations for Lay Readers, 65, 66.
- Preside at meetings of Diocesan Conventions, 8.
- Pronounce sentence upon Minister found guilty, 40, 57.
- Sentence, how pronounced, 40, 41.
- Receive application to organize a mission, 33.
- Consent to be indorsed on application, 33.
- Form of application, 33.
- Presentment of Minister liable thereto, 38.
- If allowed, copy to be served on accused, 38.
- Require Canonical declaration before ordaining minister, 56.
- Form of declaration, 56.
- Certificate of election of Minister by Wardens, 59.
- To be sent to Secretary of Convention, 59.
- Church free from debt before Consecration thereof, 70.
- List of names of persons confirmed, 61, 71.
- Parochial report from every Parish, 71.
- When report to be given, 71.
- Of ministers without charges, 71.
- Reports to be published, 72.
- Transmit certificate of election of Minister to Secretary, 59.
- Bishop Coadjutor, to preside in absence of Bishop, 8.
- Seat and vote in Diocesan Convention, 8.
- When may choose Diocese in case of division, 54.
- Suffragan, 52.
- Bishops, Age necessary when consecrated, 51.
- Coadjutor, to have seat and vote in House of Bishops, 49.
- Consent of Bishops and Standing Committee to Election of, 51.
- When not required, 51.
- Of House of Bishops necessary to resignation of, 52.
- Courts for trial of, may be established, 57.
- To be composed of Bishops only, 57.

- Of review for trial of, how composed, 57.
- Foreign Missionary, to have seat in House of Bishops, 52.
- House of (see House of Bishops).
- How Chosen, 11, 51.
- Number of, necessary to consecrate a Bishop, 51, 52.
- Of Foreign Lands not eligible for Diocesan Bishop, 52.
- No vote in House of Bishops, 52.
- Senior in House of, to Preside, 49.
- To have seat and vote in House of Bishops, 49.
- Where they may exercise their office, 52.
- Board of Adjustment, 21.
 - Duties of, 21.
 - How appointed, 21.
 - Composed, 21.
 - May remit payment of assessments, 22.
 - Term of office of, 21.
 - To report to Convention, 22.
- Of Inquiry, Minister accused by public rumor, 37.
 - How composed and appointed, 37.
 - To make report in any case, 37.
- Missions and Church Extension of Diocese, Canon on, 23.
 - How elected, 23.
 - Powers of, 24.
 - To elect its officers, 24.
 - Make report to Missionary Council, 25.
- Boards of Trustees, name of may be changed, 95.
 - When change to take effect, 95.
 - Change in name of, not to effect property rights, 95.
- Bonds of Parishes for Episcopal Fund, 20.
 - By whom collected, 20.
- Book of Common Prayer to be in use, 57.
 - How established, 57.
 - Amended or altered, 57, 58.
- Table of Lessons in, how amended, 58.
- Boundaries of Missions, 34.
 - Parishes, 31, 32.
- Burial Grounds, Laws concerning, 107.
- Burials, to be recorded, 26.
 - Report of, to be sent the Bishop annually, 26.
- By-laws, Parish may make, 80.
 - May provide how Secretary and Treasurer of Vestry elected, 81.
 - Not to be inconsistent with law of State or Church, 80.

C

- Candidate for Holy Orders, Scholarship in Seminary, 44.
- Canon, of Alterations in Canons and Additions thereto, 45.
 - Bishop's Salary, 16.
 - Commission on Church Architecture, 35.
 - Consecration of Churches, 70.
 - Convention of Diocese, 15.

- Diocesan Missions, 26.
- Dissolution of Pastoral Relation, 66.
- Due Celebration of Sunday, 70.
- Ecclesiastical Court, 35.
- Elections, 17.
- Expenses of Convention, 18.
- Filling of Vacant Cures, 59.
- Finance Committee, 18.
- Formation of New Parishes, 28.
- Fund for Aged and Infirm Clergymen, 41.
- Fund for the Episcopate, 18.
- Fund for Widows and Orphans of Clergymen, 43.
- Lay Readers, 65.
- Ministers and their Duties, 60.
- Missionary Funds, 18.
- Mode of securing an accurate view of the State of the Church, 71.
- Music of the Church, 70.
- Office of the Registrar, 17.
- Organization of Missions, 33.
- Parish, 26.
- Parish Boundaries, 31.
- Parishes and Congregations, 72.
- Parish Vestries, 73.
- Persons, not Ministers in this Church, officiating in any Congregation thereof, 64.
- Presentment and Trial of Clergymen, 37.
- Proceedings in the case of a Clergyman accused by Public Rumor, 37.
- Regulations respecting the Laity, 68.
- Repealing former Canons, 45.
- Scholarships in the General Theological Seminary, 44.
- Solemnization of Matrimony, 67.
- Translations of the Bible, 69.
- Canons, Committee on, 45.
 - Of Diocese, how altered or amended, 45.
 - Repeal of former, 45.
- General Convention, extracts from, 59.
 - May provide for Trial Court of Bishops, 57.
 - Courts of Review, 57.
 - For ultimate Court of Appeal, 57.
 - Rights and Duties of Standing Committees, 53.
 - Special meetings of General Convention, 51.
 - To prescribe conditions for Consecration of Bishops for Foreign Lands, 52.
 - Organization of Missionary Districts, 55.
 - Provide for election of Missionary Bishops, 51.
- Missioners of Cathedral, 142, 143.
 - Duties of, 143.
 - How appointed, 143.
 - Rank of, 143.
 - Tenure of Office, 143.
- Cathedral of All Saints, Chapter of, 139.

- Canons, Missioners of, 142, 143.
- Constitution of, 138, 144.
 - How amended, 144.
 - Preamble to, 137.
- Honorary Canons of, 142, 143.
 - Duties of, 143.
- Registrar of, 143.
- Statutes of, 145.
- Treasurer of, 143.
- Celebration of Holy Communion, Alms at, how disposed of, 61.
 - At opening of Convention, 17.
 - Of Sunday, by people within this Church, 70.
- Cemeteries, laws concerning, 107.
- Certificate of age of minors before marriage, 128.
 - Change of name of Diocese, how executed, 95.
 - Where filed, 95.
- Communicant in good standing, 68.
 - Removing, to be procured, 68.
- Consolidation of Parishes, how executed and filed, 85.
- Corporate name of trustees, how executed, 79, 80.
 - Where filed, 80.
- Election of Trustees, to be executed and filed, 79, 80, 101.
 - By whom executed and filed, 79, 101, 115.
- Incorporation of Parish, form of, 116.
 - How executed, 79.
 - When and where filed, 80.
 - How amended or changed, 84.
 - Form of, 116.
 - How executed, and where filed, 79, 115.
- Lay Deputies, form of, 16.
- Marriage to be made by Minister and filed, 130.
- Transfer of Clergyman, when required, 63.
 - Form of, 63.
- Chairman of Annual Parish Meeting, 27, 83.
 - Meeting for incorporation of Parish, 79.
 - Rector when present to be the, 27, 83.
 - To appoint Secretary, when, 83.
 - By judge of qualification of voters, Parish elections, 27, 83.
 - Receive the votes and declare result, 27, 83.
 - (See also Presiding Officer.)
- Changes in Certificate of Incorporation, how made, 84, 85, 115, 117.
 - When to take effect, 85, 117.
 - Name of Diocese, 95, 96.
- Chapel (see Church.)
- Chaplain of Army, a member of Diocesan Convention, when, 6.
 - Navy, a member of Convention, when, 6.
- Chapter of Cathedral, 139, 140, 141.
 - Meetings of, 140, 141.
 - Special, 140.
 - Members of, 139.
 - How elected, 138, 139.
 - Powers of, 139.

- Limitation of, 139.
- Quorum of, 140.
- Vacancies in, how filled, 138.
- Charters of Churches, when they may prescribe qualifications of voters, 28.
- Church Architecture, Commission on, 35.
 - Bishop's consent necessary to consecration of, 79.
 - Charters, when may prescribe qualifications of voters, 28.
 - Extension, 23.
 - No person to minister therein unless duly authorized, 64.
 - Exception, 64.
 - Not to be alienated without consent of Bishop and Standing Committee, 70, 80, 81.
 - Removed or otherwise disposed of without same consent, 71.
 - Officers, Election of, 27, 28, 79, 81, 83, 84.
 - Property (see Property).
 - Wardens (see Wardens).
 - When not to be consecrated, 70.
- Churchyards, laws concerning, 107, 108.
- Civil Courts, Decisions relating to jurisdiction of, 109.
 - Rights, enjoyment of, not affected by religious principles, 77.
- Clergy, duty of, to lay Canon on Assessments before Vestries, 23.
 - To give information regarding Diocesan Missions, 25.
 - Of Diocese, Members of Missionary Council, 23.
 - Register of, to be kept by Secretary of Convention, 15.
 - Right of, under Church Charter, to appoint Senior Warden, 27.
 - Roll of, entitled to seats in Diocesan Convention, 15.
 - To attend meetings of convention, 16.
 - Vote of, how taken, 9, 17.
 - Necessary to elect a Bishop, 11.
 - Separately for Bishop, 11.
- Clergyman, not a Bishop, Trial of, 37.
 - Confession of guilt, 39.
 - Decision of Court, 40.
 - To be reduced to writing, 40.
 - Default of defendant, 39.
 - Expenses, how met, 41.
 - Pronouncement of sentence, 40.
 - Rules of procedure, 39.
- Clergymen, Aged and Infirm to receive appropriation, 41, 42.
 - Requirements necessary, 41.
 - Fund for, 41.
 - Special Annuitants, four classes, 42.
 - Empowered to administer oath or affirmation, when, 129.
 - Fund for Widows and Orphans of, 43.
 - Funeral expenses of, may be defrayed how, 42.
 - May minister in occasional office outside of their Parish, 32.
 - Solemnize marriages, 125.
 - To keep register of marriages performed, 26, 61.
 - May require certificate of consent for minors, 128.
 - To file certificate of marriage, 130.
 - To execute certificate, 136.
 - Disposition of, 130.

- Penalty for failure to return certificate, 130.
- For illegally performing marriage, 129.
- Solemnization of marriage of divorced persons forbidden, 67, 68.
- Exception, 68.
- When convicted, how sentenced, 40, 57.
- Clerical Deputies to General Convention, how elected, 10.
- Term of office, 10.
- Vacancy in delegation, how filled, 11.
- Quorum of, in General Convention, 50.
- Members of Diocesan Convention, Committee on rights of, 15.
- Standing Committee, 10.
- Qualifications of, 10.
- Clerk of Ecclesiastical Court, 36.
- County, to receive Certificate of Incorporation of Parish therein, 80.
- Amended Certificate, 85.
- Organized Mission, 34.
- Clerks of Counties to receive Certificate of Consolidation of Parishes, when, 86.
- Coadjutor Bishop, how chosen, 11, 51.
- Bishop of foreign lands not eligible for, 52.
- Choice of, when Diocese is divided, 54.
- To have seat and vote in Diocesan Convention, 8.
- When to preside, 8.
- House of Bishops, 49.
- Code of Canons, 13.
- Commission on Church Architecture, Canon on, 35.
- Duty of Parishes and Missions to report to, 35.
- How composed, 35.
- Committee of Investigation for accused Clergyman, 38.
- Of Clerical Member of the Convention, 15.
- Committee on Clerical Members of Convention, 15.
- On Constitution and Canons, 45.
- Duties of, 45.
- Finance, 18.
- Duties of, 18, 19.
- Lay Deputies, 16.
- State of the Church, 71.
- Standing (see Standing Committee).
- Common Prayer (see Book of Common Prayer).
- Communicant removing, to procure certificate, 68.
- May be repelled from Holy Communion, when, 69.
- Communicants, list of, to be made, 26.
- Only eligible for Deputies to Convention, 6, 28.
- Wardens, 28.
- Register of, to be kept, 26, 61.
- Communion service, requirements of rubric before, 69.
- Concurrence necessary, in vote by orders, 50.
- Confirmation, Minister of Parish to prepare Candidates for, 60.
- When notice of, to be given, 60.
- Confirmations, list of, to be made and recorded, 26, 61.
- Register to be kept, 61.
- Report of, to be sent to the Bishop, annually, 26.

- Congregation, how to become a body corporate, 78, 115.
 - Must be organized canonically, 78, 115.
 - Meet at time and place appointed, 79, 115.
 - Minister to preside, 79, 115.
 - If absent, election of chairman, 79, 115.
 - Secretary to be chosen, 79, 115.
 - Information of state of, to be given to Bishop, 71.
 - Minister of one, not to officiate in another, 61, 62.
 - Exception, 62.
 - To elect Deputies to Diocesan Convention, 6.
 - (See Parish.)
- Congregations, Differences between Minister and, 66.
 - Organized under Trustees, may be admitted as a Parish, 8.
 - Conditions of admittance, 8.
- Consecration of Bishops, age requirement, 51.
 - For foreign lands, 52.
 - Consent of Bishops and Standing Committees, necessary for, 156.
 - Churches, what first necessary, 70.
- Consent of Bishop necessary for Admission of New Parish, 7, 8.
 - For alienation of real Church property, 71, 80, 81.
 - Consent to be executed and filed, 81.
 - Consecration of Church, 71.
 - Of Parishes, 85.
 - Consent to be executed and filed, 85.
 - Designation of Mission Station, 24.
 - Division of Diocese, 54.
 - Election of Minister to a Parish, 59, 63, 64.
 - Formation of new Parish, 28, 115, 117.
 - Of Parish boundaries, 31, 62.
 - Organization of a Mission, 33.
 - Parish to form integral part of Diocese, 31.
 - Removal or destruction of Church edifice, 71.
 - Transfer of a Minister to Diocese, 63, 64.
 - Of Bishops necessary before Consecration of a Bishop, 51.
 - Exception, 51.
 - Diocesan Convention to formation of new Diocese, when, 53.
 - House of Bishops, when necessary to election of a Bishop, 51.
 - Necessary for resignation of a Bishop, 52.
 - Of Deputies to consecration of a Bishop, when, 51.
 - General Convention to formation of new Diocese, 53, 54.
 - Minister of Parish, to another Minister, officiating, when, 61, 62.
- Consent of Standing Committee necessary for Admission of Congregations, when, 8.
 - Alienation of real Church property, 80, 81.
 - Form of consent, 122.
 - To be executed and filed, 81.
 - Approval of Parish boundaries, 31, 72.
 - Assignment of Mission boundaries, 34.
 - Bishop to act as ultimate judge, 66.
 - Consecration of a Bishop, 51.
 - Exception, 51.
 - Consolidation of Parishes, 85.

- Consent to be executed and filed, 85.
- Fixing of Parish boundaries, 31, 72.
 - When may be changed, 32.
- Formation of new Parish, 28.
- Removal or destruction of consecrated Church, 71.
- Warden to non-parochial Minister officiating in Parish, 61, 62.
- Consolidation of Diocese, 53.
 - Of Parishes, 85, 86.
 - Certificate of, to be executed and filed, 85, 86.
 - When to take effect, 86.
- Constitution and Canons, Committee on, 45.
 - Of the Cathedral, the Diocese, 5.
 - How altered, 11.
 - Of General Convention, 49.
 - New Diocese to accede to, 54.
 - Diocese of Newark accedes to, 5.
 - How altered or amended, 58.
 - Of State, extracts from, 77.
 - Forbids donations by State, etc., for religious purposes, 77.
 - Denial of enjoyment of Civil rights, 77.
 - Requirement of religious test for office, 77.
 - Taxation for religious purposes, 77.
 - Guarantees freedom of worship, 77.
- Contracts of Rector, decisions of the Courts concerning, 108.
- Contributions for relief of Aged and Infirm Clergymen, 41.
 - How appropriated, 41.
- Fund for Widows and Orphans of Clergymen, 43.
 - How appropriated, 43.
- Contributor to current expenses of Parish, when a qualified voter, 27, 28.
 - Definition of, 28.
 - Record of Treasurer, sufficient evidence, 28.
- Convention of Diocese, change of name to Newark, 96.
 - Ecclesiastical authority to appoint place of meeting, 5.
 - Every session to be opened with Celebration, 17.
 - Expenses of, how provided for, 18.
 - Form of application of Parish for union with, 117.
 - Former Canons of, repealed, 45.
 - General (see General Convention).
 - How composed, 6.
 - Incorporation of, 90.
 - Journal of (see Journal).
 - Laity, how represented in, 6.
 - Lay delegates to, how elected, 27.
 - Qualifications of, 6, 28.
 - May alter or amend Canons of Diocese, 45.
 - Constitution of, 11, 12.
 - Change corporate name of Diocese, 95.
 - Boards of Trustees, 95, 96.
 - Property rights not affected by change, 95, 96.
 - Declare Parish extinct, 87.
 - Property of extinct Parish, when vested, 87, 102, 103.
 - How invested, 87, 102, 103.

- Elect more than one body of Trustees, 101.
- Make presentment of Clergyman, when, 37.
- Order when new Canons to take effect, 45.
- Provide keeping Parochial Register, 26, 61
 - Making inquiry, persons repelled, 69.
- Remit assessments, 7.
- Members of, to attend, 16.
- Officers of, 8, 9.
- Opening of, 17.
- Parochial Reports to be made to Bishop at, 71.
- President of, if no Bishop, 71.
- President and Secretary of, to file Certificate, Election of Trustees, 101, 102.
- Property of Diocese to be vested in, 91.
- Qualifications of Clergyman, for seat and vote in, 6.
- Quorum of, 9.
- Roll of Clergy entitled to seats and votes in, 15.
- Special, how called, 5.
- To adopt name for Trustees elected, 93.
- Appoint Committee on Rights of Clergy, 15.
 - Lay Deputies, 16.
 - Finance Committee, 18.
 - Registrar, 17.
- Be Missionary Council of Diocese, 23.
- Cause inquiry to be made, as to condition of Parish, when, 27.
- Direct appropriations of interest of Episcopal Fund, 94.
- Choose a Secretary, 9.
- Elect a Bishop, 11.
 - Committee on Constitution and Canons, 45.
 - Deputies to General Convention, 10, 50.
 - Standing Committee, 10, 53.
 - Supplementary Deputies to General Convention, 11.
 - Treasurer, 9.
 - Trustees of Diocese, 93, 94, 101.
 - Episcopal Fund, 93, 94, 98.
 - Fill vacancies in Boards of Trustees, 103.
 - Meet annually, 5.
 - Order salary of Bishop, 22.
 - Publish Bishop's charge or address, 17.
 - Receive alterations proposed in Book of Common Prayer, 58.
 - Amendments to Constitution of General Convention, 58.
- Time of meeting of, 5.
- Treasurer of, to present statement of accounts to, 9.
- Union of Parish with, 7.
- When consent of, necessary to formation new Diocese, 53.
 - May cede portion of Diocese to General Convention, 55.
- Of New Jersey, incorporation of, 90.
- Corporate powers not to be conferred by special act, 77.
 - Subject to repeal or alteration, 77.
 - Title of incorporated Parish, 79.
 - How changed, 84, 85, 108, 109.

- Corporation, religious, alienation of real property, void without consent of Bishop and Standing Committee, 71, 80, 81.
 - Burial lots excepted, 80.
- May act as Trustee, 105.
 - Purchase, hold or alienate real property, 80, 91, 93, 96, 99, 101, 102, 105.
- Exemption from taxation, 106, 107.
- Court, Ecclesiastical, Canon on, 35.
 - How elected, 35.
 - Lay Assessor of, 35.
 - Duties of, 35.
 - Officers of, 35.
 - Quorum of, 35.
 - Vacancies how filled, 35.
- For trial of Bishops may be provided by Canon, 57.
- How composed, 57.
- Presbyters and Deacons, by Canon of Diocese, 57.
- Of appeal may be established by General Convention, 57.
- Jurisdiction of, 57.
- Courts, Decisions of (see Decisions of the Courts).
- For review of trial courts, 57.
- How composed, 57.

D

- Date of Annual Convention of Diocese, 5.
 - Meeting of New Parish, 79, 82, 83.
 - Parishes heretofore incorporated, 83.
- Meeting of General Convention, 51.
- Deacon to be tried in Diocese in which canonically resident, 57.
 - Sentence only by a Bishop, 57.
 - Have seat in Diocesan Convention, 6.
 - Make declaration before Ordination, 56.
- Dean of Cathedral, head of Chapter in absence of Bishop, 141.
 - How elected, 142.
 - Removed, 143, 144.
 - May summon General Chapter, when, 138.
 - Member of Chapter, 139.
 - General Chapter, 138.
 - Nominated by the Bishop, 141, 142.
 - Presence of, when necessary for Quorum, 140.
 - Tenure of Office of, 143, 144.
 - To assign duties to Canons Missioners, 142.
 - Be in residence, 142.
 - Vacancy in office of, how filled, 142.
- Decisions of the Courts relating to extent of jurisdiction of Civil Courts, 109.
 - Rector's contract, 109.
 - Title to pews, 109.
 - Wardens and Vestrymen as Trustees, 109.
- Declaration of Bishop before consecration, 56.
 - Priest or Deacon before ordination, 56.
 - Form of, 56.

- Deputies to Diocesan Convention (see Lay Deputies).
 - General Convention, how chosen, 10, 50.
 - Qualifications of, 50.
 - Majority vote of necessary, when, 50.
 - Number of, 50.
 - How reduced, 50.
 - To signify to Bishop acceptance of election, 11.
 - Vacancies in delegation, how filled, 11.
- Diocese, Bishop and Convention of, may cede portion to General Convention, 55.
 - Board of Missions of, 23.
 - Canons of Newark, 13.
 - Constitution of Newark, 5.
 - Convention of Newark (see Convention).
 - To choose a Standing Committee, 53.
 - Prescribe manner of election of general Deputies, 50.
 - Receive alterations proposed to Prayer Book, 58.
 - Amendments to Constitution, 58.
 - Division of, how made, 53.
 - Requirements for, 53, 55.
 - Ecclesiastical Authority of, 53.
 - Episcopal Acts, how supplied in vacant, 52.
 - Formed out of more than one Diocese, how governed, 54.
 - How admitted to General Convention, 54.
 - New, how formed out of existing Diocese, 54.
 - Not to be included in Province without its consent, 56.
 - To be represented in General Convention, 50.
 - Choose its own Bishop, 51.
 - Have one vote, in each order, in vote by order, 50.
 - When divided, Diocesan to have choice of Diocese, 54.
 - Coadjutor's choice, 54.
 - Each to be subject to what canons, 54.
- Diocese, may be united into Provinces, 56.
 - Consent necessary before union, 53.
- Dissolution of Pastoral Relation, 66.
- Divine service to be held immediately before election of Parish Officers, 27.
- Division of a Diocese, 53, 54, 94, 100.
 - Episcopal Fund, 94, 100.
- Divorce, canon regarding, 67.
- Donations, by State or Municipality for religious purposes, forbidden, 77.
- Duty of Finance Committee, 18.
 - Registrar of Convention, 17.
 - Secretary of Convention, 9.
- Duties of Presiding Bishop, 49.
 - Standing Committee, 53.
 - (See also Standing Committee).

F.

- Ecclesiastical Authority of Diocese, 53.
 - May require performance of Episcopal Acts, 52, 53.
 - Revoke license of Lay Reader, 65.

- To appoint place of meeting of Convention, 5.
- Give certificate to Minister coming to Diocese, 64.
 - Form of Certificate, 64.
- Grant testimonial to Minister removing to another Diocese, 63.
- Prescribe regulations for Lay Readers, when, 65.
- Receive Articles of Association of New Parish, 31.
- Select Bishop to be ultimate arbiter and judge, 66.
- Court, Canon on, 35.
 - Decision of, 40.
 - Expenses, how met, 41.
 - How elected, 35.
 - Lay Assessor of, 35.
 - Duties of, 35.
 - Officers of, 35.
 - Quorum of, 35.
 - Vacancies, how filled, 35.
- Election, Annual, of Parish, 27, 28, 83, 84.
 - Of a Bishop, 11.
 - Board of Missions and Church Extension of Diocese, 23.
 - Chairman of Parish Meeting, 27, 83.
 - Clerk of Organized Mission, 34.
 - Committee on Constitution and Canons, 45.
 - Deputies to Diocesan Convention, 27.
 - Alternates, 27.
 - Certificate of Election, 16.
 - To General Convention, 10, 50.
 - Supplementary, 11.
 - Officers of Board of Missions and Church Extension, 24.
 - President of Convention, when, 8.
 - Presiding Officer of Parish meeting, when, 27, 79, 83.
 - Vestry, when, 81.
 - Rector or Minister of Parish, 59, 81.
 - Subject to Constitution and Canons of General Convention, 81.
 - Certificate of to be sent to Bishop, 59.
 - If no Bishop to Standing Committee, 59.
 - Secretary of Parish, 81.
 - Standing Committee, 10.
 - Treasurer of Convention, 9.
 - Organized Mission, 34.
 - Parish, 81.
 - Trustees, more than one body of, may be elected, 101.
 - Of Convention, 93, 101.
 - Certificate of Election to be filed, 101.
 - Term of office of, 102.
 - Episcopal Fund, 94, 96, 97, 98, 99.
 - Certificate of Election to be filed, 93.
 - Wardens and Vestrymen of Parish, 27, 28, 79, 83, 84.
 - When may be elected by Vestry, 84.
 - Qualification of, 27, 83.
 - Terms of office of, 79, 84.
 - When certificate of election to be filed, 79.
- Elections by ballot, unless otherwise provided, 17.

- Ballot, how dispensed with, 17.
- Majority of all votes cast, necessary, 17.
- Vote by order in, 50.
- Episcopal charges to be published by Convention, 17.
- Fund, assessments for, 18, 19.
 - When to be paid, 20.
 - Penalty for non-payment of, 7.
 - How remitted, 21.
 - Bonds for, 19, 20.
 - Interest on, 20.
 - May be divided, when and how, 94.
 - Treasurer of, 20.
 - Duties of, 20.
 - Trustees of, 22, 86, 88, 90, 93, 94, 96-98.
- Establishment of any one religious sect in State, forbidden, 77.
- Expenses of Convention, how provided for, 18.
- Extent of Jurisdiction of Courts (see Jurisdiction of Civil Courts).
- Extent Parish, property of, how managed, 87, 102.
 - Applied, 87.
 - Invested, 87.
 - May be returned to Parish, if revived, 87.

F

- Families, Ministers to make list of, in his care, 26, 61.
- Finance Committee how appointed, 18.
 - Powers of, 22.
 - To make assessments, 18.
 - Report to Convention, 18, 22.
- Foreign lands, Consecration of Bishop for, 52.
 - Not eligible for Diocesan Bishop, 52.
 - When may perform Episcopal Acts, 52, 53.
- Form of Amended Certificate of Incorporation of a Parish, 118, 119.
 - Amendments to Canons, 45.
 - Application for Admission of Parish into union with Convention, 117.
 - To Bishop for Organized Mission, 33.
 - To Organize a Parish, 113.
 - Articles of Association of new Parish, 31, 33.
 - Bishop's consent to formation of new Parish, 29, 114.
 - Certificate of Bishop, admitting Minister to his jurisdiction, 64.
 - Incorporation of a Parish, 115, 116.
 - Lay Deputies to Diocesan Convention, 16.
 - Minister for licensed marriage, 127.
 - Consent of Bishop and Standing Committee to alienate Church property, 122.
 - Declaration for Bishop before Consecration, 56.
 - Priest or Deacon before ordination, 56.
 - Notice of Bishop to Parishes affected before organization of new Parishes, 113.
 - Meeting for organization of Parish, 114.
 - To incorporate a Parish, 115.

Special Parish meeting to change Certificate of Incorporation, 118.
 Petition for consent of Bishop and Standing Committee to alienate Church property, 121.
 Former canons repealed, 45.
 Forms and modes of procedure, 109.
 Freedom or religious worship guarded by State Constitution, 77.
 Fund for Aged and Infirm Clergymen, Canon, 41.
 Accumulations to, 41.
 Annual collection for, 41.
 Annuitants of, Regular, 43.
 Special, 42.
 Appropriations for, when payable, 42.
 Requirements to receive, 41, 43.
 Permanent Fund of, 42, 43.
 Trustees of, (note), 41.
 To grant annuities, where, 43.
 Episcopate (see Episcopal Fund).
 Widows and Orphans of Clergymen, Canon on, 43.
 Annual Collection for, 43.
 Contributions for, where sent, 43.
 How appropriated, 43, 44.
 To be specifically designated, 43.
 When payable, 44.
 Limited legacies to, 44.
 Unappropriated moneys, 44.
 Formation of New Parishes, Canon on, 28.
 Funeral Expenses of Clergymen, may be defrayed, how, 42.
 Funerals, register of, to be kept, 26, 61.

G

General Chapter of the Cathedral, composition of, 138.
 Bishop to have casting vote at meetings of, 140.
 Members of, 138.
 Powers of, 138.
 Quorum of, 140.
 When to meet, 140.
 Who to call meetings of, 140.
 Convention, Action of both Houses necessary, when, 49.
 Canons of, extracts from, 59.
 To prescribe organization of Missionary Districts, 55, 56.
 Deputies to, how chosen, 10, 50.
 Supplementary, 11.
 Qualifications of, 50.
 Each Diocese to have representation in, 50.
 How composed, 49.
 May accept cession of part of Diocese, 55.
 Requirements before acceptance, 55.
 Alter Book of Common Prayer, 57, 58.
 Table of Lessons, 58.

- Amend Constitution of Church, 58.
- Establish Court of Appeal, 57.
 - Trial for Bishops, 57.
 - Courts of Review, 57.
- Reduce Diocesan representation, 50.
- Retrocede part of Diocese before ceded, 56.
- Place of meeting of, how designated, 51.
- Special meetings how provided for, 51.
- To send copy of alterations in Prayer Book, to Secretary of each Diocese, 58.
 - Amendments to Constitution to Secretary of each Diocese, 58.
- Theological Seminary, scholarships in, 44.

H

- Holy Baptism not to administered to persons married unlawfully, 68.
- Communion alms to be at disposal of Minister of Parish, 61.
 - How to be applied, 61.
 - Celebration of (see Celebration).
 - Persons married unlawfully not to be admitted to, 68.
 - Appeal to the Bishop, 69.
- Honorary Canons of Cathedral, how appointed, 143.
 - Duties of, 143.
- House of Bishops a part of General Convention, 49.
 - Adjournment of, 50.
 - Approval of, necessary to consecration of Bishop when, 51.
 - Bishops of foreign lands no vote in, 52.
 - Consent of, necessary to resignation of a Bishop, 52.
 - Establish Missionary Districts, 55.
 - How changed, 55.
 - Originate and propose legislation, 49.
- Presiding Officer of, 49.
- Quorum of, 49.
- To sit separately, 49.
- Who may have seat and vote in, 49.
- Of Deputies a part of the General Convention, 49.
 - Adjournment of, 50.
 - Church in each Diocese to have representation in, 50.
 - May originate and propose legislation, 49.
 - Qualifications of, 49.
 - Quorum of, 49.
 - To sit separately, 49.
 - When consent necessary to consecration of Bishop, 51.

I

- Incorporation, Certificate of (see Certificate of Incorporation).
- Of a Diocese, 90-95.
 - Parish, 78-80, 115-117.
 - Certificate of, 116.
 - Form of notice for, 115.
 - Necessary to integral part of Church in Diocese, 31.

Investigation Committee for accused Clergyman, 38.
How composed, 38.
To make report, 38.

J

Joint Action of Bishop and Standing Committee when necessary, 31, 32, 80, 81, 85, 122.
Journal of Diocesan Convention, expense of printing, how provided for, 18.
Form of Certificate of Lay Deputies to be inserted in, 16.
Parochial reports to be published in, 26, 72.
Report of Clergymen not regularly settled to be published in, 71, 72.
Treasurer of Convention to be published in, 19.
Jurisdiction of Civil Courts, extent of, 108.

L

Laity, Canon on regulations respecting the, 68.
Representation of, in Diocesan Convention, 6.
Law, authorizing Trustees of Episcopal Fund to divide Fund, 100.
To hold property, 100, 101.
Concerning change of name of Diocese, 95.
Incorporation of Convention of a Diocese, 90, 94.
New Jersey, 90.
Marriages, 125-133.
Organization and government of Parishes, 78.
Repeal of former laws concerning, 88-90.
Taxation of Church property, 106.
To authorize corporations to hold property, 105.
Correct erroneous names in deeds, 104.
Prevent diversion of Church property, 103.
Laws concerning Churchyards, Cemeteries and Burial Grounds, 107.
Division of Diocese, 94, 99-100.
Incorporation of Trustees, 92-95.
Trustees of Episcopal Fund, 96, 99.
Expressly applicable to the Church, 78.
Which may affect the Church, 104-107.
Lay Readers, Canon on, 65.
Deputies, Committee on rights of, 16.
Certificate of Election to be presented to Convention, 16.
Form of Certificates, 16.
From New Parishes, 8.
How elected, 27.
Members of Missionary Council, 23.
Qualifications of, 23.
Roll to be made by Secretary of Convention, 16.
To attend meetings of Convention, 16.
Legacies and donations to Aged and Infirm Clergy Fund, 42.
When added to Permanent Fund, 43.
Limited to fund for widows and orphans of Clergymen, 44.
Legislative Acts repealed, 88-90.
Legislature of State may repeal or alter laws relating to corporations, 77.
To pass no special act conferring corporate powers, 77.

License for Lay Readers, how given, 65.
For persons, not Ministers, to officiate in Church, 64, 65.
How revoked, 65.
Rector must request before given, 65.
Required before marriage, 125.
Form of, 125.
Lord's Supper. (see Holy Communion).

M

Majority required in vote by orders, 9.
Vote in House of Deputies, 50.
Necessary, 17, 27.
Marriage and Divorce, Canon on, 67.
Of any person divorced, not to be solemnized, 67, 68.
Innocent party excepted, 68.
Penalty of Canon limited, 68.
Law of the State, 123-133.
License required, 125.
By whom issued, 126.
Form of, 127.
To whom transmitted, 130.
Consent necessary in case of minors, 128.
Oath of applicant, 126.
Officiating Clergyman may administer oath, 129.
Penalty for perjury, 129.
False certificate, 129.
Illegally performing, 129.
Non-transmission of certificate, 130.
Who may perform, 125.
Prohibited from, 125.
Marriages, register of to be kept, 26, 61.
Report to be sent to Bishop annually, 26, 71.
Meetings of Parish for purposes of Incorporation, 78.
How called, 78.
Who may vote at, 78.
Quorum, 78.
What questions to be determined by, 79.
How determined, 79.
Annual, 82, 83.
Notice required, 83.
How given, 83.
Special, 84.
What business may be transacted at, 84.
Vestry, 82.
Quorum, how constituted, 82.
What notice required, 82.
Members of Diocesan Convention, 6.
Missionary Counsel, 23.
Minister accused by public rumor, proceedings in case of, 37.
May request inquiry, 37.
May be presented for trial, 38.

- For what causes, 37.
- To have notice of meeting of, Court, 38.
- Receive copy of decision of, Court, 40.
- Sentence of by Bishop, 40, 41.
- When appeal may be had, 40.
- If not regularly settled to report to Bishop annually, 71.
- May solemnize marriages, 123.
 - Of minors, 125.
 - When to require certificate of age, 125.
 - Shall execute a certificate, 130.
 - Disposition of certificate, 130.
 - Penalty for failure to comply with law, 129, 131.
- To file certificate of marriage, 130.
- Keep Register of Marriages performed, 26, 61.
- May not marry divorced persons, 67, 68.
- Exception, 68.
- Not to admit persons illegally married to the sacraments, 68.
 - If in doubt as to legality, to refer case to Bishop, 68.
 - Sacrament not to be refused to dying persons, 68.
- Of Parish, how elected, 59, 81.
 - Certificate of election to be sent to Bishop, 59.
 - Must obtain certificate of transfer, when, 63.
 - Neglect or refusal of, to officiate in his congregation, 62.
 - Vestry to lay proof of before Bishop, 62.
- To give notice of Bishop's intended visitation, 60.
 - When to be given, 60.
 - How to be given, 60.
- To be ready to present persons for Confirmation, 60, 61.
 - Deliver list of persons confirmed, to the Bishop, 61.
 - Give to Bishop, state of congregation, 61.
 - Keep Register of Baptisms, 26, 61.
 - Burials, 26, 61.
 - Confirmations, 26, 61.
 - Marriages, 26, 61.
 - Make list of families in his cure, 26, 61.
 - Parochial report to Bishop, 26, 71.
 - When to be made, 26, 71.
 - Give notice of meeting for incorporation of Parish, 78, 115.
 - Form of notice, 115.
 - To preside at meeting, 79.
 - In absence of, who to preside, 79.
- (See also Rector of Parish.)
- Ministers, Canon on differences between congregations and, 66.
- Dissolution of Pastoral connection of, 66.
- Canon on duties of, 53.
- Parishes to prepare persons for confirmation, 60.
- To give parochial instruction, 60.
 - Missionary instruction, 60.
- Keep parochial register, 26, 61.
- Offer opportunities for contributions to missions, 60.
- Of the Diocese of, (see Clergy of Diocese).
- Minors, marriage of, 128.
 - Certificate of age of, 128.

- Mission stations, by whom designated, 24.
- Board of (see Board of Missions).
- Missions, Canon on organization of, 33.
- Mode of procedure in organization of, 33, 34.
- Missionaries, how appointed, 24, 33, 34.
- Appointment how withdrawn, 34.
- Missionary Bishop, how chosen, 51.
- Council of Diocese, 23.
- How composed, 23.
- Time of meeting, 23.
- To elect Board of Missions and Church Extension, 23.
- Districts, how established, 55.
- How organized, 55.
- Changed, 55.
- Ecclesiastical authority of, to institute trial court, 57.
- Episcopal Acts in, how supplied, 52.
- May be formed into provinces, 56.
- Work of the Church, instruction in, to be given by Ministers of Parishes, 60.
- Missioners, Canons, 143.
- Mode of Incorporating a Parish, 115-117.
- Organizing a Parish, 28, 29, 113.
- Procedure for Parish desiring to change Certificate of Incorporation, 84, 85, 118.
- Mortgage of Church property, law on, 70, 80, 81.
- Only with consent of Bishop and Standing Committee, 70, 80, 81.
- Form of consent, 122.

N

- Name of Diocese, how changed, 95.
- Northern New Jersey changed to Newark, 96.
- Parish how changed, 84.
- Navy Chaplain to have seat and vote in Convention, 6.
- New Canons, when to take effect, 45.
- Dioceses, how formed, 53.
- Requirements necessary, 53.
- How admitted, 53.
- Restrictions, 53.
- To make suitable provision for Episcopate, 55.
- Parishes, Canon on formation of, 28.
- Organization of, 28, 29, 113.
- Application to be made to Bishop, 29, 113.
- Form of application, 113.
- Bishop to give notice to Parishes affected, 29, 113.
- Form of notice, 113.
- Consent of Bishop after consultation with Standing Committee, 28, 114.
- Form of consent, 28, 114.
- To adopt Articles of Association, 30.
- Form of, 30, 31.
- Certified copy to be laid before Bishop, 31.

- How admitted into union with Convention, 7.
- Deputies to have no vote, 8.
- Trial for accused Minister, when, 37.
- Newark, Canons of the Diocese of, 13.
- Constitution of, 5.
- Name of Diocese of Northern New Jersey changed to, 96
- New Jersey, Division of Diocese of, 99, 100.
- Incorporation of Convention of, 90, 94.
- Trustees of Episcopal Fund of, 96-99.
- Northern New Jersey, name of Diocese changed to Newark, 96.
- Notice of amendments or alterations to Canons, 45.
- Application for commissary, how made, 39.
- Bishop's visitation to Parish when to be given, 60.
- Contemplated organization of Parish, 113.
- Form of, 113.
- Election in organized missions, 34.
- Election of Minister to be given to the Bishop, 59.
- Parish meeting for election of officers, 82, 83.
- Incorporation of Parish, 78, 80, 115.
- Form of, 115.
- Special Parish meetings, 84.
- To change Certificate of Incorporation, 85, 118.
- Form of, 118.
- Vestry meeting, how given, 83.
- To be given by Bishop, before establishing a mission, 33.
- Assigning mission boundaries, 34.
- Formation of New Parish, 29.
- Form of, 113.
- Establishing Parish boundaries, 32.
- To accuse Ministers before trial, 38.
- Notices, in relation to trial of Minister, how served, 39.
- Number of vestrymen of a Parish, 79.
- How changed, 84, 85.
- Numbering of Canons of Diocese, 45.

()

- Oath may be administered by Minister to parties seeking marriage, 128, 129.
- Occasional offices may be administered, when, 32.
- Offerings for Aged and Infirm Clergy Fund, 41.
- Fund for widows and orphans of Clergymen, 43.
- Opening of Diocesan Convention, 17.
- Orders, vote by, 9, 50, 56, 58.
- Ordinary (see Bishop).
- Organization of Missions, Canon on, 33.
- Bishop to give notice to Parishes affected, 33.
- Form of application to Bishop for, 33.
- Consent of Bishop to be endorsed thereon, 33.
- Certified copy to be sent to Secretary of Diocese, 33.
- Bishop to appoint Warden of, 34.
- Missionary, 34.

- Election of Clerk and Treasurer of, 34.
- Notice of election, 34.
- Title to real estate of, how vested, 34.
- Organization of Parish, Canon on, 28.
- Mode of procedure in, 29, 113.
- Application to be made to Bishop, 29, 113.
- Form of application, 113.
- Notice to be given by Bishop to Parishes, 29, 113.
- Form of notice, 113.
- Consent of Bishop to be obtained, 29, 114.
- Form of consent, 29, 114.
- To adopt Articles of Association, 29, 114.
- Form of, 30, 31.
- Certified copy of, to be sent to Bishop, 31, 114.
- Proceedings to be recorded, 114.
- Orphans of Clergymen, Fund for, 43.

P

- Parish, admission of new, 7.
- Form of application for, 117.
- Conditions of, 7, 8.
- Annual Meeting of, 27, 82, 83.
- Notice, how given, 83.
- When and where to be held, 83.
- Purpose of, 27, 83.
- Officers of, 27, 83.
- Qualifications of, 27.
- Of voters, 27, 28.
- Polls to remain open, how long, 83.
- Rector to have a vote, 83.
- Names of contributors to be recorded, 28.
- Minutes of, to be recorded, 83.
- To be signed by officers of, 83.
- Assessments upon a, 18, 19.
- Basis of, 19.
- Payment of, 26.
- Penalty for failure to pay, 7.
- How remitted, 7.
- Rate of, 19.
- Bonds of, to support Episcopate, 20.
- Penalty for failure to pay interest thereon, 7.
- How remitted, 7.
- Boundaries of, Canon on, 31.
- How defined, 31, 72.
- Approval of Bishop and Standing Committee, 31, 72.
- When Parishes not agreed, 31, 32.
- Rector may apply to have same fixed, 32.
- When fixed, valid, 32.
- Object of, 32.
- Church charters of, 28.
- Contributions to support of, to be recorded, 28.

- Differences between Rector and, Canon on, 66.
- Election of Minister to, 59, 81.
 - Certificate of, to be sent to Bishop, 59.
 - When to be sent to Secretary of Convention, 59.
- Every Minister of, to present parochial report to Bishop, 26, 71.
 - When to be presented, 26, 71.
- Equivalent to Congregation, when, 87.
- Holy communion alms, to be deposited with Minister of, 61.
- How to become a body corporate, 78, 115-117.
- How may sue or be sued, 80.
- Incorporation of, 78, 115-117.
 - Meeting for purpose of, how called, 78, 115.
 - Form of notice of, 115.
 - Officers of, 79, 115.
 - Qualifications of voters, 78.
 - Quorum at, 78.
 - What questions to be decided at, 79.
 - Election of Wardens and Vestrymen, 79.
 - Certificate to be executed and filed, 79, 115.
 - Form of certificate, 117.
- May become extinct how, 87, 102.
 - How revived, 87.
- Change Certificate of Incorporation, 84, 118.
 - Mode of procedure, 118-120.
 - Vestrymen must recommend changes, 85, 118.
 - Length of notice required, 85, 118.
 - Two-thirds vote necessary, 85, 118.
- Special Parish meeting necessary, 85, 118.
 - Form of notice of, 118.
 - Two-thirds vote necessary, 85, 119.
- Certificate to be executed and filed, 85, 119.
 - Form of certificate, 119, 120.
 - When changes to take effect, 85, 120.
- Make by-laws, 80.
- Purchase, hold, or alienate real estate, 80.
 - For what purpose holden, 80.
 - Consent of Bishop and Standing Committee necessary for alienation, 80, 81.
 - To be executed and filed, 81.
 - Exception in case of lease for one year, 80.
 - Burial lots, 80.
- Amount of property holden unlimited, 81, 105, 106.
- Use a common seal, 80.
- Members of, may take action to prevent diversion of property, 103.
- Ministers and Wardens of, to give information to Bishop, 61.
 - May not resign, without consent of Vestry, 66.
 - Not to officiate in parochial limits of another Clergyman, 61, 62.
 - Exception, 62.
 - To give notice of Bishop's visitation, 60.
 - When and how given, 60.
 - To prepare persons for confirmation, 60.

- Be ready to present persons for confirmation, 61, 62.
- Deliver list of those confirmed to Bishop, 62.
- Keep parochial register, 26, 62.
- Make list of families in his cure, 61.
- Neglect or refusal of, to officiate in congregation, 62.
- Ecclesiastical authority may act, 62.
- Officers of, not to divert property of, to other purposes, 103.
- Organization of, Canon on, 28.
- Application to be made to Bishop, 29, 113.
- Form of, 113.
- Bishop to consult with Standing Committee, 29, 113.
- Consent of Bishop necessary, 29, 31, 113.
- Form of 29, 114.
- Bishop to send notice to parishes affected, 29, 113.
- Form of, 113.
- Notice of contemplated organization, 114.
- Articles of Association to be adopted, 30, 114.
- Form of, 30, 31.
- Certified copy of, to be laid before Ecclesiastical Authority, 31, 114.
- Proceedings to be recorded, 114.
- Becomes an integral part of Diocese, 31.
- Proceeds of extinct, how invested, 87, 102.
- Property of, to vest in Diocesan Convention, 87, 102.
- (See Property of).
- Rector of, how elected, 59, 81.
- To request license for Lay Reader, 65.
- (See Minister of).
- Special meeting of, 84.
- Notice of, to specify objects of meeting, 84.
- No vote to be taken on question not specified, 84.
- To be conducted, in same manner, as annual meetings, 84.
- Votes, except on elections, may be counted forthwith, 84.
- Vestries of, Canon on, 73.
- Rector to preside at meetings of, 73, 83.
- Wardens of, to notify Bishop of vacancy in Rectorship, 7, 28, 59.
- Penalty for failure to notify, 7.
- To report to Bishop, 22, 71.
- Penalty for failure to report, 7.
- Parishes and Congregations, Canon on, 72.
- Boundaries of, 72.
- When not defined by Convention, 72.
- Formation of new, 72.
- What to constitute a parochial cure, 73.
- Assessments on, 19, 26.
- Bonds of, for Episcopal Fund, 18, 20.
- Interest on, how remitted, 20.
- Lay Readers in, Canon of, 65.
- Number necessary for formation of Diocese, 55.
- Division of Diocese, 55.
- Quorum of Convention, 9.
- Parochial Boundaries, how described, 72, 73.

- Connection, how determined, 32.
- Instruction to be given by Minister of Parishes, 60.
- Limits to govern exercise of office of Clergymen, 61, 64.
- Register, what shall be recorded in, 26, 61.
- Report, to be made to Bishop, annually, 20, 26, 71.
 - If not Bishop to President of Convention, 71.
 - If not made, penalty therefor, 6, 7.
 - Contents of, 26, 71.
 - To be published in Journal, 26, 72.
- Penalties affixed by Canon on Marriage and Divorce, 68.
- Penalty for non-payment of assessments, 6, 7.
 - Interest on Parish Bonds, 6, 7.
- Failure to report to Bishop, 6, 7.
 - To notify Bishop of vacancy in Rectorship, 6, 7.
 - Of Minister to file certificate of marriage, 130.
- Refusal or neglect to abide by decision of Bishop after trial, 67.
- Permanent Fund of Aged and Infirm Clergy, 42.
 - Accumulations to be added to, 42, 43.
 - When to cease, 43.
 - Interest of, how divided, 43.
 - Missionary Fund, 26.
- Persons repelled from Holy Communion may appeal to Bishop, 69.
 - Not Ministers of this Church officiating therein, Canons on, 64.
- Petition for consent of Bishop and Standing Committee to alienate property, 121.
 - Form of petition, 121.
- Pews, title to, decisions of the courts, 109.
- Polls, how long to remain open, 83.
 - In case of no election, 83.
- Powers of Standing Committee to fill vacancies in own body, 10.
 - To designate supplementary Deputies, when, 11.
 - Deliver certified list of Clergy to Secretary, when, 15.
 - Nominate candidate for scholarship in Seminary, when, 44.
- Preamble to Constitution of Cathedral, 137.
- Presbyters, members of Convention, 6.
 - May demand vote by orders, how, 9.
 - Number necessary for formation of Diocese, 55.
 - Division of Diocese, 55.
 - Quorum of Convention, 9.
- Presentment and Trial of a Clergyman, Canon on, 37.
 - Decision of the Court, 40.
 - To be reduced to writing, 40.
 - Default of Defendant, 39.
 - Expenses, how met, 41.
 - Pronouncement of sentence, 40.
 - Rules of procedure, 39.
 - Service, how made, 38.
 - Vacancies, how filled, 39.
 - Of Ministers, by whom made, 38.
 - To be made to the Bishop, 38.
 - What to contain, 38.
 - Copy to be served on the accused, 38.

- Presiding Bishop of General Convention, 49.
 - His duties, 49.
 - Provision for, in case of resignation or incapacity, 49.
 - May change place of meeting of General Convention, when, 51.
 - When may authorize a Bishop to perform Episcopal Acts, 52.
- Officer at annual Parish meeting, 27, 83.
 - Of meetings for incorporation, 79.
 - To be judge of qualifications of voters, 27, 83.
 - To execute certificate of incorporation, 79.
 - Who to be the, 27, 83.
- President of Board of Missions, 24.
 - Convention of Diocese, 8.
 - When to receive parochial reports, 71.
 - To execute and file Certificate of Election of Trustees, 93, 101.
 - Of change of name of Diocese, 95.
 - Standing Committee, 10.
- Priest to make declaration before ordination, 56.
 - Form of declaration, 56.
 - (See Presbyter.)
- Priest, number necessary to make examination with Bishop of Candidate, 56.
 - When ordained by foreign Bishop, requirements of, 56.
 - To be sentenced only by Bishop, 57.
 - When not settled to report to Bishop, 71.
- Principal of incorporated Church institutions, to have seat in Convention, 6.
- Proceedings in case of Minister accused by public rumor, Canon on, 37.
- Professor of incorporated Church School, to have seat in Convention, 6.
- Property of Diocese to be vested in Diocesan Convention, 93.
 - To be managed by Trustees, 93, 95, 98, 99, 101.
 - Extinct Parish, to be vested in Diocesan Convention, 87, 102.
- Parish to be vested in Diocesan Convention, 87, 102.
 - Provinces, how formed, 56.
 - No Diocese to be included without its consent, 56.
- Public office, no religious test to be required for, 77.
- Rumor, Minister accused by, may be tried, how, 37.

Q

- Qualifications of Deputies to Diocesan Convention, 6, 28.
 - General Convention, 50.
 - Presbyters in Diocesan Convention, 6.
 - Chairman of Annual Parish Meeting, 27, 83.
 - Voters at Annual Parish Meeting, 27, 28, 83.
 - Meeting for incorporation, 78.
 - How determined, 27, 28, 78.
 - In Parishes, which have Charters, 28.
 - Vestrymen of a Parish, 28, 83.
 - Wardens of a Parish, 28, 83.
 - Secretary of a Parish, 81.
- Qualified voters at Parish Meeting, 27, 28.
- Quorum at Annual Parish Meeting, 83.
 - Parish meeting for incorporation, 78.

Vestry meeting, 82.
Of Cathedral Chapter, 140.
Diocesan Convention, 9.
General Chapter, 140.
House of Bishops, 49.
 Of Deputies, 50.
Standing Committee, 10.

R

Rate of Assessment on Parishes, 19.
Real Estate, may be purchased, held or alienated by Religious Corporations, 80, 96, 93, 95, 96, 98-102, 105.
 For what purpose to be used, 80, 102.
 Not to be diverted from use of particular denomination, 103.
 Restrictions on alienation of, 71, 80, 81.
 Taxation of, 106.
 Form of petition for consent of Bishop and Standing Committee to alienate, 121.
 Consent of Bishop and Standing Committee to alienate, 122.
Rector, of Parish, how elected, 59, 81.
 Two-thirds vote of Vestry necessary, 81.
 Certificate of election to be sent to Bishop, 59.
 When Certificate of Transfer required, 63.
 Form of Certificate, 63.
 May not resign without consent of Vestry, 66.
 Vestry cannot remove, 66.
 Differences between Parish and, Canon of, 66.
 Dissolution of Pastoral Connection, Canon of, 66.
 Duty of, to give Parochial instruction, 60.
 To prepare persons for Confirmation, 60.
 Present persons for Confirmation, 61.
 Give list of persons Confirmed to Bishop, 61.
 Keep parochial register, 26, 61.
 To make list of families in his cure, 61.
 Give information to Bishop of state of Congregation, 61.
 Dispose of Holy Communion alms, how, 61.
 Give Certificate of transfer to Communicants, 68.
 Make Parochial report to Bishop, 26, 71.
 One offering annually for Aged and Infirm Clergy Fund, 41.
 Fund for Widows and Orphans, 43.
 Sign Certificate of Election of Lay Deputies, 16.
 Form of Certificate, 16.
 Attend meetings of Diocesan Convention, 16.
 If absent to send Excuse, 16.
 Lay Canon of Bishop's Salary, etc., before Congregation, 23.
 Not to officiate in cure of another Clergyman, 61.
 Exception, 62.
 Shall not officiate as Rector in another Diocese without letter of transfer, 64.
 Refuse Sacraments to dying persons, 68.
 To call Parish meetings, 83, 84.

- Call vestry meetings, 82, 85.
- Preside at Parish meetings, 27, 83.
- Duties of, as presiding officer, 27, 83.
- Has right to vote at Parish meetings, 27, 83.
- Execute Certificate of Incorporation, 79, 85.
 - Of consolidation of Parish, 86.
- Right to vote in vestry meetings, 81.
- The presiding officer of Corporation, 81.
- Personal rights of, not affected by action of Vestry in his absence, 82.
- Presence necessary to alienate real estate, 82.
- With Wardens and Vestrymen when a body Corporate, 80.
 - To have perpetual succession, 80.
 - The Vestry and Trustees of Parish, 80.
- May with Vestry apply to Bishop to have boundaries of Parish fixed, 32.
- Not to refuse or neglect to officiate in his Congregation, 62.
 - Provisions of Canon for so neglecting, 62.
- Resignation without consent of Vestry, invalid, 66.
- May solemnize marriages, 125.
- When may marry minors, 128.
 - Certificate of age may be required, 128.
 - Original to be filed, 130.
- May administer oath or affirmation, 129.
 - Penalty for failure to comply with law, 129, 130.
- Cannot marry without license, 125.
 - Penalty for failure to comply with law, 129, 130.
 - Divorced persons, 67.
 - Exception, 68.
 - Doubtful cases to be referred to Bishop, 68.
- To keep register of all marriages solemnized, 26, 61.
 - (See also Clergy of Diocese.)
- Decisions of Courts concerning contract of, 108.
- Register of Baptisms, Confirmations, Marriages, Burials, etc., to be kept, 26, 61.
- Registrar of Cathedral, 143.
 - Diocesan Convention, Canon on, 17.
- Regular Annuitants of Aged and Infirm Clergy Fund, 43.
 - Amount of annuity, 43.
- Regulations, Canon of respecting Laity, 68.
- Religious test for public office forbidden, 77.
 - Corporation may hold, purchase and alienate real estate, 80, 90, 93, 95, 96, 98-102, 105.
 - Amount unlimited, 105, 106.
 - Act as Trustees, 105.
 - Taxation of property of, 106.
- Repeal of certain acts of legislation, 87-90, 105.
 - Former Canons of Diocese, 45.
- Report of Board of Missions, and Church Extension, 25.
 - Clergyman not settled, to be made to Bishop, 71.
 - Committee on Constitution and Canons, 45.
 - On rights of Clerical members of Convention, 15.
 - Lay Deputies to Convention, 16.

- Decision of Ecclesiastical Court to be made to the Bishop, 40.
- Finance Committee, 18.
- Parish, to be made annually to the Bishop, 26, 71.
 - Contents of, 26, 71.
 - Published in Journal of Convention, 26, 71.
- Registrar of Convention, 17.
- Treasurer of Convention, 9, 18.
- Trustees of Episcopal Fund, 94, 98, 100.
- Reports of Archdeacons, 25.
- Resignation of Bishop of Diocese, Consent of House of Bishops necessary, 52.
 - Rector, invalid without consent of Vestry, 66.
- Rights, civil enjoyment of, not to be denied on account of religious principles, 77.
 - Of Clerical members of Convention, Committee on, 15.
 - Lay Deputies to Convention, Committee on, 16.
- Roll of all the Clergy in Diocese to be printed by Secretary, 15.
- Rubric, requirements of in Communion Service, 69.
- Rumor, Trial of Minister accused by, Canon on, 37.

S

- Sacraments to be withheld from persons unlawfully married, 68.
 - Exception, 68.
- Sale of Church property, only with consent of Bishop and Standing Committee, 71, 80, 81.
- Scholarships in General Theological Seminary, Canon of, 44.
- Secretary of Board of Missions, 24.
 - Diocesan Convention, how chosen, 9.
 - His duties, 9, 15, 16, 33, 58, 59, 67, 93, 95, 101.
 - May appoint Assistant, 9.
 - Vacancy in office, how filled, 9.
 - Annual Parish meeting, 83.
 - Duties of, 83, 85, 87.
 - Meeting called for incorporation of Parish, 79.
 - Standing Committee, 10.
 - State, Certificate of Election of Trustees to be filed with, 93, 101.
 - Change of name of Diocese to be filed with, 95.
 - Vestry, to be one of the Vestrymen, 81.
 - To record proceedings of Parish meeting, 83.
 - Sign certificate of Lay deputies, 16.
 - Send Certificate to Secretary of Convention, 16.
- Senior Bishop, to be the Presiding Bishop, 49.
 - Resignation of incapacity of, how provided for, 49.
 - Warden, when appointed, 27.
- Sentence of Minister, to be pronounced by Bishop only, 57.
 - Suspension, to specify when to cease, 57.
- Special Annuity of Aged and Infirm Clergy Fund, 42.
 - Convention of Diocese, 5.
 - How called, 5.
 - Meeting of General Convention, 51.
 - Parish, when called, 84.

- How conducted, 84.
- Notice of how given, 84.
- What to contain, 84.
- Form of, 118.
- Necessary to change Certificate of Incorporation, 85, 118.
- Consolidate Parishes, 85.
- Rector to preside, 84.
- Standing Committee, how appointed, 10, 53.
 - How composed, 10.
 - Quorum of, 10.
 - Rights and duties, how prescribed, 46.
 - Counsel of advice to Bishop, 46.
 - Consent necessary to admission of Congregations, when, 8.
 - Alienation of real Church property, 71, 80, 81.
 - Form of consent, 122.
 - To be executed and filed, 81.
 - Approval of Parish boundaries, 31, 72.
 - Consecration of a Bishop, 51.
 - Exception, 51.
 - Consolidation of Parishes, 85.
 - Consent to be executed and filed, 85.
 - Fixing of Parish boundaries, 31, 72.
 - How changed, 32.
 - Formation of new Parish, 28.
 - Removal or destruction of Consecrated Church, 71.
 - As Ecclesiastical Authority, when, 53.
 - When may require performance of Episcopal Acts, 53.
 - Appoint place of meeting of Convention, 5.
 - Prescribe regulations for Lay Readers, 65.
 - Revoke license of Lay Reader, 65.
 - To require Certificate of Transfer, 63.
 - May select a Bishop to be Arbiter, 66.
 - When they may consent to a Minister officiating in a Parish, 62.
 - Direct recording of pastoral dissolution, 67.
 - Institute inquiry of Minister accused by public rumor, 37.
 - Nominate Candidate for Scholarship in Seminary, 44.
 - Call Special Convention, 5.
 - Require Certificate of Election of Minister, 59.
 - Proof from Vestry of neglect of Minister to officiate, 62.
 - Deliver certified list of Clergy to Secretary of Convention, 15.
 - Appoint Treasurer of Convention, 10.
 - Designate Supplementary Deputies, 11.
 - Consultation with Bishop, necessary before formation of New Parish, 28.
 - Establishing of a Mission, 33.
 - Boundaries of a Mission, 31.
 - With Bishop, incorporated as Trustees of Aged and Infirm Clergy Fund, 41.
 - When Clerical Members of, may appoint Board of Inquiry, 37.
 - Secretary of, to act as Secretary of Convention, 9.
 - On Constitution and Canons, 45.
 - How and when elected, 45.

- State Constitution (see Constitution).
- Statute law authorizing change of name of Diocese, 94-96.
 - Corporate name of Trustees, 95.
 - Corporations to hold property, 105, 106.
 - Division of Diocese, 94, 95.
 - Episcopal Fund, 92, 100.
 - Incorporation of Convention, 92.
 - Of New Jersey, 90.
 - Trustees, 92, 96, 99, 100, 103.
 - Of Episcopal Fund, 92, 95.
 - Of New Jersey, 96-98.
 - Trustees to hold property, 100-103.
 - Concerning taxation of Church property, 106.
 - Marriages, 125-133.
 - Churchyards, Cemeteries, and Burial Grounds, 107.
 - Forbidding diversion of property, 103.
 - For incorporation and government of Parishes, 78-87.
 - To correct erroneous names in deeds, 104.
 - Laws, expressly applicable to the Church, 78-103.
 - General which may affect the Church, 104, 107.
 - Repealed so far as they relate to the Church, 88-90.
- Statutes of Cathedral Organization, 145.
- Suffragan Bishops, 52.
 - Eligible as Diocesan or Missionary Bishop, 52.
 - How elected, 52.
 - Rights of, 52.
- Sunday Schools, Condition of, to be reported to Bishop, 26, 71.
- Sundays, Canon on due celebration of, 70.
 - All persons within the Church to keep, 70.
 - How to be kept, 70.
- Supplement to an act to incorporate Trustees, 92, 95, 98-100, 103, 104.
 - To an Act concerning Taxes, 106.
- Supplementary Deputies to General Convention, 11.
 - When to take place of Deputies, 11.
 - How chosen, 11.

T

- Table of Lessons, how amended, 58.
- Taxation of Church property, 106.
 - For religious purposes forbidden, 77.
- Theological Seminary, President of, must consent to licensing student as Lay Reader, 65.
- Title to pews, Decisions of Courts concerning, 108.
- Treasurer of Convention, 9, 92.
 - Collect assessments, 20.
 - Make report to each Convention, 9, 20.
 - Vacancy in office of, how filled, 10.
 - Board of Missions and Church Extension, 20.
 - Duties of, 20.
 - Cathedral Organization, 143.
 - Organized Mission, 34.

- Parish to be elected annually by Vestry, 81.
- To record names of contributors to Parish, 28.
- Trustees of Fund for Aged and Infirm Clergymen, 41.
- Trial of Clergyman on presentment, Canon on, 37.
 - Sentence how pronounced, 40.
- Courts for Bishops, how established, 57.
 - For Presbyters and Deacons, how established, 57.
- Trustees, Congregations organized under, how admitted, 8.
 - To sign Certificate of Lay Deputies, 16.
 - Names of Boards of, may be changed, 95.
 - Not to divert property, under their care, 103.
 - Of Parish, The Rector, Wardens and Vestrymen, 80.
 - Powers of, to hold property, Act conferring on, 105.
 - To hold property, Act authorizing, 101.
 - Of Diocese, how elected, 93, 101.
 - Capable of holding Diocesan Funds, 101, 102.
 - Amount limited, 102.
 - Duties of, 93, 101, 102.
 - Number of, 93, 101.
 - Qualifications of, 93, 97.
 - May become a body corporate, 93, 101.
 - Fill vacancies in their own body, 94.
 - More than one set of, may be elected, 101.
 - Name of, may be changed, 95.
 - Not to divert Church property, 103.
 - Term of office, 102, 103.
 - To invest property of extinct Parishes, 102.
 - Present statement of their proceedings to Convention, 94, 102.
 - Vacancies in, how filled, 103.
- Episcopal Fund, original Trustees, 96.
 - Incorporation of, 96.
 - Number of, 97.
 - Quorum of, 97.
 - Powers of, 97, 98.
 - Purpose of incorporation, 93, 97-99.
 - May divide Fund if Diocese divided, 94, 100.
 - Make by-laws for removal of Trustees, 94, 98.
 - Name may be changed, 95.
 - Property rights not affected thereby, 95.
 - To conform to instructions of Convention, 98.
 - Instructions to be entered in Journal, 98.
 - Hold title to property of organized Missions, 34.
 - Make report to Convention, 94, 98, 100, 102.
 - Vacancies in office, how filled, 94, 98, 100.
- Aged and Infirm Clergy Fund, 41.
 - To appropriate collections and donations, 41.
 - For funeral expenses of Clergyman, 42.
 - Grant annuities when Fund complete, 43.
 - Conditions of grant, 43.
 - Invest accumulations, 42.
 - To be Trustees of Fund for Widows and Orphans, 43, 44.
 - Invest unappropriated moneys, 44.

Take necessary steps to secure and use moneys, 44.
Use and apply limited legacies as intended, 44.
Interest of Fund, how, 44.
Bishop and Standing Committee incorporated as, 41.

U

Union of Parish with Convention of Diocese, 7, 8, 117.
Form of application, 117.

V

Vacancies in Boards of Trustees, how filled, 94, 98, 100, 103.
Vacancy in office of Bishop, how filled, 11, 51.
 Of Rector, how filled, 81.
 Warden or Vestryman, how filled, 84.
 Cathedral Chapter, 139.
 General Chapter, 138.
 Deputy to General Convention, how filled, 11.
 Secretary of Diocesan Convention, how filled, 9.
 Treasurer of Diocesan Convention, how filled, 10.
 Standing Committee of Diocese, how filled, 10.
Vacant Cures, how filled, 59.
 Bishop may provide temporary maintenance, 59.
 To be notified before election, 59.
 Election of Assistant Minister to be sent to Bishop, 59.
 Wardens to send notice of election to the Bishop, 59.
 When a Minister is settled in, 59.
Versions of Bible authorized to be read in Church, 69.
Vestries, Parish, Canon on, 73.
 Rector to preside at meetings of, 73, 83.
Vestry meetings, how called, 82.
 To change Certificate of Incorporation, 84, 85.
 Presiding officer of, 82.
 Quorum, 82.
 Consent of necessary to resignation of Rector, 66.
 May make presentment of Minister for Trial, 37.
 Not to divert property to alien uses, 103.
 Rector to be a member of, and preside when present, 81.
 To adopt modes for contributing to Parish Expenses, 28.
 Elect Rector, when Rectorship vacant, 81.
 Two-thirds vote required, 81.
 Secretary and Treasurer annually, 81.
 Give information to Bishop of state of Congregation, when, 61.
 Recommend change in Certificate of Incorporation, 85.
 Vacancy in, how filled, 84.
 When may give permission to Clergyman to Minister in Parish, 62.
Vestrymen, number of, 31, 79, 116.
 How changed, 84, 85, 118-120.
 How elected, 27, 79, 83, 84.
 Term of office, 79, 83, 84.
 How changed, 84, 85, 118.

- Qualifications of, 27, 28.
- Vacancy in office, how filled, 84.
- Visitation of Bishop to a Parish, 61.
 - Notice to be given, 60, 61.
- Vote by Orders when necessary, 9, 12, 50, 56, 58.
 - How taken, 50.
 - Concurrence necessary, 50.
 - How taken in Diocesan Convention, 9, 17.
 - Of Vestry, two-thirds necessary to elect Rector, 81.
 - To change certificate of incorporation, 85.
- Voters at Parish meetings, qualifications of, 27, 28, 78, 83.
 - Parishes having charters, expected, 28.
- Votes at Parish meetings, how received, 27, 79, 83.
 - Special Parish meeting, when counted, 84.
 - To change Certificate of incorporation, two-thirds necessary, 85.

W

- Warden of organized Mission, how appointed, 34.
 - To call meeting for election of Officers, 34.
 - Senior, when appointed, 27.
- Wardens, number of, 79.
 - How elected, 27, 79, 83, 84.
 - Qualification of, 28, 83.
 - Vacancies how filled, 84.
 - Sign Certificate of Election of Minister as Rector, 59.
 - Lay Deputies, when, 16.
 - Term of office may be changed, 84, 85, 118-120.
 - To give notice to Bishop, of vacancy in Rectorship, 28, 59.
 - Information to Bishop of state of Congregation, 61.
 - Make annual report to Bishop, when no Minister, 26.
 - Provide parochial register, 26.
 - When to make proper entries therein, 26.
 - When to give Certificate to Communicant removing, 68.
 - To call Special Parish Meetings, 84.
 - May call Vestry meetings, 82.
 - One of, may be elected presiding officer, 27, 81, 83.
 - With Rector and Vestrymen to be Vestry of Parish, 81.
 - As Trustees, decisions of Court concerning, 109.
- Widows of Clergymen, Fund for, 43.
- Worship, freedom of, guaranteed by State Constitution, 77.