

1891. 7. 15

CONSTITUTION AND CANONS

—OF—

The Protestant Episcopal Church,  
N. J. Diocese,

—IN THE—

DIOCESE OF NEW JERSEY,

*As Adopted in Convention at Camden, 1878, and Amended in  
Subsequent Conventions.*

IN FORCE JUNE 1ST, 1891.

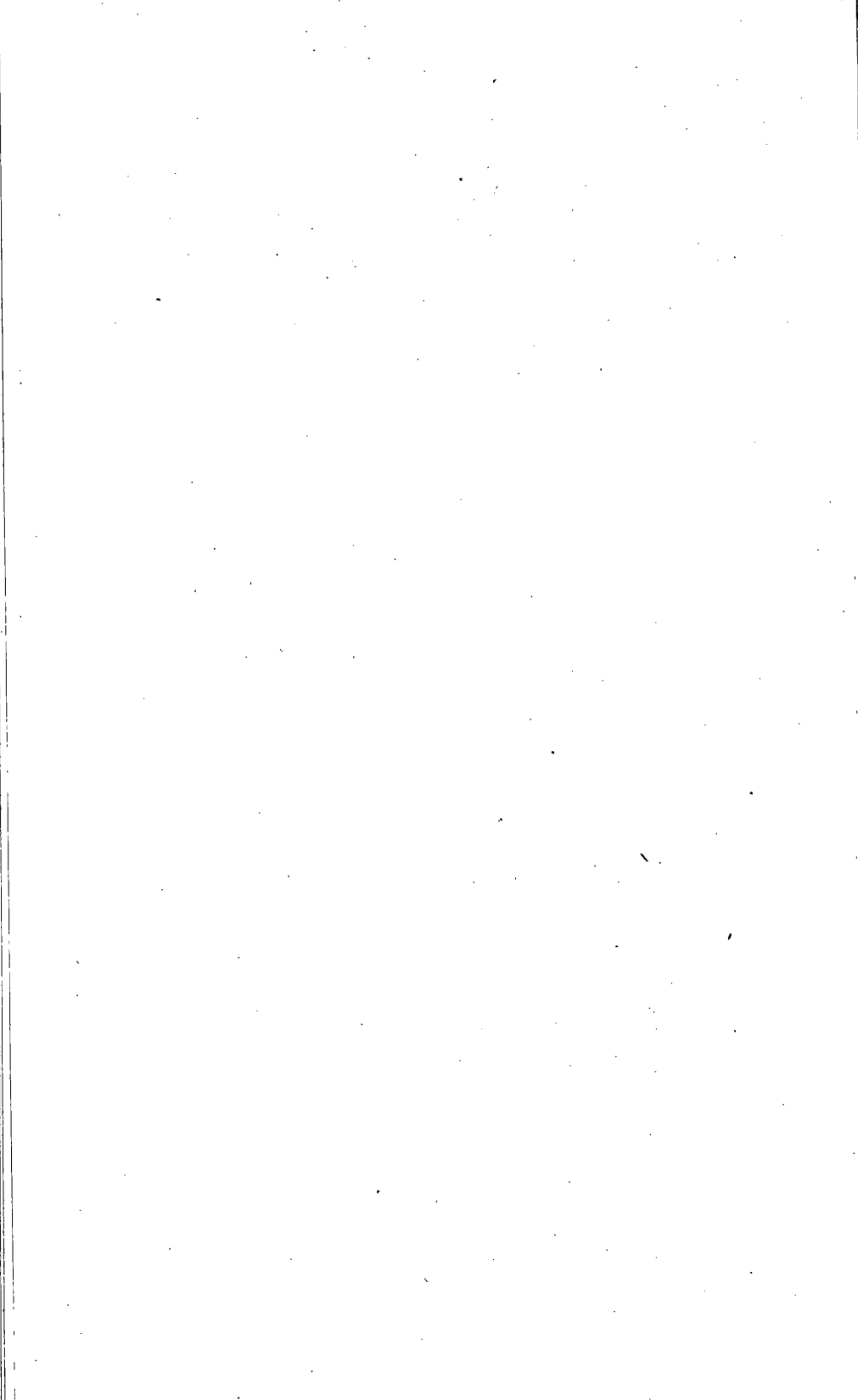
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# Constitution and Canons

OF THE

## PROTESTANT EPISCOPAL CHURCH

IN THE

### Diocese of New Jersey.

AS ADOPTED BY THE CONVENTION OF 1878, AND AMENDED BY  
SUBSEQUENT CONVENTIONS.

In Force June 1st, 1891.

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#### CONSTITUTION.

##### ARTICLE I.

*Acceding to the General Constitution.*

THE Church, in the Diocese of New Jersey, comprising all of the counties of the State of New Jersey, excepting the counties of Sussex, Warren, Morris, Passaic, Bergen, Hudson and Essex, and the township of Summit, in Union county, 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.

##### ARTICLE II.

*Annual Convention.*

There shall be a Convention of the Church in this Diocese on the Tuesday after the first Sunday in May, in each year, to be held where the Ecclesiastical Authority may appoint.

##### ARTICLE III.

*Special Conventions.*

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

call a Special Convention, by a circular letter to the Clergy and the several Parishes. There shall be not less than four weeks' notice previous to the day appointed, and such meeting shall be holden where the authority calling it shall determine; and at such special Convention, no other business shall be transacted than that stated in the notice calling the Convention.

#### ARTICLE IV.

##### *Members of Convention.*

SEC. 1. The Convention shall be composed of both Clergymen and Lay Deputies.

SEC. 2. Every Presbyter, or Deacon, six months canonically resident in the Diocese, who is regularly settled as Rector or Minister in some Church or Parish in union with this Convention, or is a Missionary duly appointed by the Ecclesiastical Authority, or is engaged as a Rector, Principal or Professor in any incorporated literary or theological institution of the Church, or is a Chaplain in the army or navy of the United States, or who, having been regularly settled in the Diocese, shall have resigned his cure, and shall remain canonically resident and in good standing, shall have a seat and vote in the Convention. This privilege shall not be forfeited when any such Presbyter or Deacon shall become disabled by age or infirmity from the active duties of the ministry, but no one shall be allowed the benefit of such exemption, until he shall have produced to the Ecclesiastical Authority a satisfactory certificate that he is so disabled.

SEC. 3. The Lay representation shall consist of not more than three Deputies from each Parish in union with the Convention, who, with their alternates, shall be chosen by the congregation from the male communicants thereof, and no Lay Deputy shall represent more than one Parish.

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 sending such Deputy shall, for two successive years, have failed to report to the Bishop in accordance with Canon I., Title II.

[2]. In case the Parish sending such Deputies, shall, for two successive years, have failed to pay to the proper officer the interest on the Parish bonds given for the support of the Episcopate, and assessments for the same, and such sum or sums as may have been assessed or levied upon such Parish for Diocesan or Convention expenses, unless the same 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 of or 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 subdivisions 1, 2, and 3 of this section, respectively, have and each of them has been given or made.

SEC. 5. No person shall be entitled to a seat in the Convention who is under sentence of repulsion from the Communion, or, of suspension or degradation from the Ministry.

#### ARTICLE V.

##### *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 assent of the Bishop, on advice of the Standing Committee, or, if there be no Bishop, of the assent of the Standing Committee, to their formation, and to the location of their Church, 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, at least, five 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. And also,

[5]. Furnish a statement from the Wardens or Secretary of the Vestry, and made by the authority of the Vestry, duly convened for this purpose, that such Parish is able to support a Rector or Minister without missionary aid, that there is no mortgage, lien, or other liability voluntarily assumed, resting against their Church or Chapel, at the time of their application for admission to the Convention, except such mortgage or lien shall have been authorized by the Bishop, acting by the advice and consent of the Standing Committee; 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 into union with this Convention when such trustees shall have furnished an authenticated copy of a resolution promising conformity and obedience to the doctrine, discipline, and worship of the Protestant Episcopal Church in the United Church of America, and to the Constitution and Canons of the Church, and shall furnish to the Convention the same statement from the trustees, and by their authority, as that required by the foregoing part of this section, from those Churches which are organized with Wardens and Vestrymen. But Deputies from new Parishes, though entitled to seats, shall not be allowed to vote at the Convention in which their Parishes are admitted.

#### ARTICLE VI.

##### *President of the Convention.*

The Bishop of the Diocese shall, *ex-officio*, preside in Convention, and be entitled to vote. The Assistant Bishop, when there is one, shall also 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 Assistant Bishop, the members shall elect a President *pro tempore* from among the Presbyters entitled to vote.

#### ARTICLE VII.

##### *Transaction of Business.*

SEC. 1. The Clerical members entitled to vote, who may be present at the time of meeting, with the Deputies from four Churches, shall constitute a quorum.

SEC. 2. A vote by orders shall be had upon any question, when it is called for by two Clerical members entitled to vote, and the Lay deputations from two Parishes. When a vote is thus taken, the Clergy shall vote individually, and the Lay Deputies by Parishes, and a concurrent majority in both orders shall be necessary to carry any measure.

SEC. 3. This rule shall also apply to the election of a President *pro tempore* of the Convention, and of any other officers or committees not otherwise provided for by Canon or Rule of Order. The elections when so had shall be by ballot.

SEC. 4. Elections by ballot, when required by the Constitution or Canons, may be dispensed with by a unanimous vote of the Convention. And in all cases of a failure or omission to elect any officer, or annual committee, the persons then in the

office, or, belonging to the committee, shall continue in office until others shall be chosen.

#### ARTICLE VIII.

##### *Secretary of the Convention.*

At each Annual Convention, a Secretary shall be elected, 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 faithfully into the hands of the Bishop all originals, and to his successor all books and papers relating to the concerns of the Convention, which may be in his possession.

#### ARTICLE IX.

##### *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 to the Standing Committee security satisfactory to them 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, till the next succeeding Convention, who is authorized to receive any money, bonds, mortgages, notes, or other property and papers that may be in the treasury at the time of such decease, resignation, removal or incapacity; and he shall enter into the same securities and be responsible in the same manner as if regularly appointed by the Convention.

#### ARTICLE X.

##### *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 seats 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 be open to the inspection of the Convention.

SEC. 2. A majority of the members of the Standing Committee, the whole having been duly cited to meet, shall be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is expressly required.

SEC. 3. The Standing Committy shall have power to fill vacancies which may occur in their own body during the recess of the Convention, or in any Committee appointed to sit during the recess of the Convention, unless otherwise provided for by the Convention.

### ARTICLE XI.

#### *Of the Chancellor of the Diocese.*

SEC. 1. There may be appointed by the Bishop, with the concurrence of the Standing Committee, a Chancellor of the Diocese, who shall be a communicant of the Church and a Counselor-at-law of the Supreme Court, whose duty it shall be to act as legal counselor of the Bishop and Standing Committee in matters affecting the interests of the Church, as his counsel may be asked by either of the parties above named, or by the Convention.

SEC. 2. He shall hold office for three years, unless removed by a concurrent order of the Bishop and Standing Committee. In the event of a vacancy, an appointment of a successor may be made as above directed, at the next regular meeting of the Standing Committee for the full term of three years.

SEC. 3. The Chancellor shall be entitled, *ex-officio*, to a seat and voice in the Convention, but not to a vote; and he shall be allowed such compensation as the Convention may from time to time direct by resolution.

### ARTICLE XII.

#### *Of the office of Registrar of the Convention.*

SEC. 1. There shall be appointed by the Convention a Registrar of the Convention, to hold office until he 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 in this Diocese, the same to become the property of the Convention, and to be kept in some safe and accessible place, where the members of the Convention can inspect them.

SEC. 2. It shall be his duty to exchange, each year, journals of the Convention of this Diocese with the Registrar or Secretary

of every other Diocese, which journals shall become the property of the Convention.

SEC. 3. 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.

### ARTICLE XIII.

#### *Deputies to the General Convention.*

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

SEC. 2. The Convention shall at the same time nominate by ballot a like number of supplementary Deputies of each order. It shall be the duty of the Deputies elect, not less than one nor more than three weeks before the meeting of the General Convention, to signify to the Bishop 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 insure, so far as practicable, 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.

### ARTICLE XIV.

#### *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 III. of this Constitution.

SEC. 2. The vote shall be by ballot, the Clergy voting individually, the Lay Deputies by Parishes; and a blank ballot shall be considered a vote. The Clerical and Lay orders shall vote separately until some canonically qualified Presbyter shall receive a majority, in each order, of those present and voting, and the Presbyter receiving such a concurrent majority in both orders shall be declared duly elected; *provided*, that at least a majority in both orders of those entitled to vote, shall be necessary to constitute an election.

SEC. 3. There shall be no nomination, and no public discussion of the character of the candidates.

## ARTICLE XV.

*Alteration of the Constitution.*

SEC. 1. 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 approved by a majority of each order, voting according to the Constitution, shall become valid and obligatory.

SEC. 2. In case of the Division of the Diocese, such immediate alterations as local circumstances shall require, may be made in the same mode as is provided for the passage or alteration of the Canons of the Diocese.

# Canons of the Diocese of New Jersey.

## Title I.

### OF THE CONVENTION.

#### CANON I.

##### *Of the Clergy entitled to Seats, and the Lay Deputies.*

SEC. 1. The Bishop, or, when there is no Bishop, the Standing Committee of the Diocese, shall, one week before the day of the meeting of the Convention, deliver, or cause to be delivered, to the 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 of those who have been ordained, or received into the Diocese within the year immediately preceding, with the dates of their ordination or reception; from which list the Secretary shall prepare, in conformity with Article IV, Sec. 2, of the Constitution, a roll or register of all the Clergy entitled to votes or seats in this Convention; 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 immediately, and the decisions thus made, if accepted by the Convention, shall not be called in question again during the same session.

Of a list of the clergy-men in the Diocese.

The roll presumptive evidence.

SEC. 2. The certificates of the election of Lay Deputies shall be in the following form:

[NAME OF THE CHURCH, THE PLACE AND DATE.]

THIS CERTIFIES, that at a meeting of the Congregation of this Church, for the purpose of electing Church Officers and Deputies to the Convention, (or for the purpose of electing Deputies to the Convention, if the meeting be for that object alone), A. B., C. D., and E. F., being members of the Congregation, and communicants of the Church, were duly chosen to represent the Parish in the Convention, for the year ensuing.

Certificate of the election of lay deputies.

IN TESTIMONY OF WHICH, I have hereunto set my hand, (or if the two Wardens subscribe, we have set our hands), the day and year above written.

This certificate shall be signed by the Rector, or by the Secretary of the Vestry, or by the two Wardens, and transmitted to the Secretary of the Convention at least ten days before the

The persons to sign a lay certificate.

Provision for parishes organized under trustees. 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 may be signed by two Trustees in lieu of the Wardens.

Attendance at the Convention. SEC. 3. It is the duty of every Clergyman and Layman having a seat in Convention, to attend every meeting thereof, or send a reasonable excuse for his absence. He must be present each day, unless excused by the Convention.

Selection of alternates. SEC. 4. In case of the non-attendance of one or more of the persons elected as Deputies to the Convention, one or more of the Alternates shall be admitted to represent the Parish; each non-attending Deputy to select his Alternate from the list of Alternates chosen by the Parish, and in case of no such selection, the Rector of the Parish shall designate which shall serve.

Services at the opening of the Convention. SEC. 5. Each Convention shall be opened by the celebration of the Holy Communion, and a Sermon by the Presbyter appointed by the Bishop, when the Bishop himself does not deliver a Sermon or Charge; Episcopal Charges shall be published by the Convention without any motion to that effect. The business of each day after the first shall be preceded by the Morning Service of the Church, the Bishop or Minister of his appointing officiating.

Services on the other days.

## CANON II.

### *Of Elections.*

A majority necessary. Blank votes. SEC. 1. In all elections, those persons only who shall have a majority of all votes cast shall be declared elected. A blank ballot shall be counted as a vote.

If too many be elected. SEC. 2. In case more than the required number of persons shall have a majority of votes, a sufficient number of those having the highest number of such votes shall be declared elected; and in case of a tie between two or more such persons, there shall be another ballot.

## CANON III.

### *Of Assessments.*

Finance committee. Assessm't for the Episcopal fund. For Convention expenses. SEC. 1. At every Annual Convention there shall be appointed a Finance Committee, consisting of five Laymen, whose duty it shall be to make assessments on the Parishes: *First*, in aid of the Episcopal Fund, which shall be at the rate of seven per cent. on the salaries paid to their respective Ministers; *Secondly*, for printing the Journal, the expenses of the Standing Committee, and the Examining Chaplains, for the quota towards the ex-

penses of the General Convention, and other expenses of this Convention, which shall be in the ratio of said salaries. They shall report to the Convention during the Session at which such assessments are made the percentage assessed on the different Parishes of the Diocese; on which report the Convention may take action at pleasure; *provided*, that no assessment shall be made for the Bishop's salary on any Parish which has contributed to the Episcopal Fund an amount equal to the annual salary of its Minister at the time of so contributing, which may be either in money, or else in securities bearing interest equivalent to seven per cent. of said amount, and a credit shall be given to any Parish which has contributed a part only of such amount; *provided further*, that no new Parish shall hereafter be relieved from assessments for the Bishop's salary until it has a settled Rector, and has paid to the Trustees of the Episcopal Fund a sum not less than the salary paid, or to be paid, to its Rector; and no new Parish shall be relieved from assessments for the Bishop's salary unless it has contributed a sum not less than one thousand dollars to the Episcopal Fund.

Report to the Convention.

Proviso regarding Bishop's salary.

Additional proviso.

SEC. 2. The assessment for the Bishop's salary shall be paid to the Treasurer of the Convention, quarterly, on the first day of January, April, July and October. The assessment for the expenses of each Convention shall be paid to the Treasurer before the first day of July. A list of these assessments and payments, together with all arrears, shall be sent to the Secretary one week before the Convention, and shall be published in the Journal in a separate schedule prepared by the Treasurer.

Assessm'ts when due.

The list for the secretary to be prepared by the treasurer.

SEC. 3. The salary to be paid to the Bishop, until otherwise ordered by the Convention, is hereby fixed at four thousand dollars per annum.

Salary of the Bishop.

SEC. 4. There shall be appropriated annually from the income of the Episcopal Fund not required for the Bishop's salary, such sum or sums of money, not exceeding in the total five hundred dollars, as may be necessary for the taxes, insurance, and keeping in order of the Episcopal residence, which expenditures shall be made under the supervision of a committee of three, to be elected annually, by ballot, by the Convention, and to be known as the Committee on the Episcopal Residence. If the income of the Episcopal Fund do not yield the amount so required, the deficit shall be raised by assessment on the several Parishes upon the basis stated in Section 1.

Expenses of the Episcopal residence.

Committee on the said residence.

Deficit in the fund.

SEC. 5. It shall be the duty of the Treasurer of the Convention, at each of its annual meetings, to make a separate report of the amounts of money received from each Parish assessed in aid of the Episcopal Fund, and the assessments provided for by Section 1 of this Canon, specifying the Parishes (if any) which

Treasurer's report.

have made no contribution. This report shall be entered on the minutes of the Convention, and as much of said report shall be published in each year as the Convention may from time to time direct.

#### CANON IV.

*The Assistant Secretary and Secretary pro tem.*

A vacancy  
in the office  
provided  
for.

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

#### CANON V.

*On the Rules of Order.*

The Rules of Order adopted by the Convention shall be binding upon the Convention following, unless and until they be changed, or others adopted in their stead.

## Title II.

OF THE PARISH.

#### CANON I.

*Of Parochial Registers and Reports.*

What the  
register  
shall con-  
tain.

Annual  
report.

SEC. 1. In every congregation the Church Wardens shall provide a Parish Register, in which the Minister, or if the Parish be vacant, one of the Wardens, shall record the name and date of the birth of each child baptized, with the names of its parents and sponsors; the name of each adult baptized; the names of all persons married or buried, and the dates of such marriages and burials; together with a list of all the Communicants in the Parish, and 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 be annually presented to the Bishop, on or before the meeting 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, persons confirmed and admitted to the Holy Communion since the last like report, and the present number of communicants; also a Report of the Sunday Schools in his Parish, the amount contributed for the poor, for missions, diocesan, domestic and foreign, for Parochial Schools, for the cur-

rent expenses of the Parish, and for Church purposes in general; together with such other particulars as may throw light on the condition of the Parish. This statement, which shall be made up to the 1st of May, or such parts thereof as shall be approved by the Bishop, shall be entered and published in the Journal of the Convention.

SEC. 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 Bishop to cause inquiry to be made into the condition of such Parish. Failure to report.

## CANON II.

### *Of Election of Church Officers.*

SEC. 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. Divine Service before election.

SEC. 2. There shall be annually a Parish Meeting, (of which due notice shall be given), on the day fixed by the Charter or Act of Incorporation; at said meeting, in addition to other business which may be transacted, the parishioners who are qualified and entitled to vote for officers as prescribed in this Canon, shall elect, by ballot, by a majority of votes cast, three Deputies and three Alternates to the Diocesan Convention, and a Vestry, to consist of two Wardens, who shall be communicants, not under repulsion, and not more than ten nor less than five Vestrymen, which officers shall continue in office for the period of one year, or until their successors shall be elected. In case of failure to elect the smallest number of the Vestry as provided for in the charter or act of incorporation, the Vestry then holding office shall continue to be the Vestry until an election at which the number thus specified shall be chosen. In case more than the required persons shall have a majority of votes, a sufficient number of those having a majority of votes shall be declared elected. Notice of meeting.  
Officers to be elected.  
Wardens to be communicants.  
Failure of election.

SEC. 3. No one shall vote in any Parish meeting, or be eligible to any office of the Parish, but male attendants of the Church, of full age, who belong to one of the following classes, and have been so connected with the Parish for at least six months immediately preceding the meeting or election: Qualifications of voters.

[1]. All communicants not under repulsion, who have been admitted as such by confirmation in that Parish, or received by the Minister on a regular certificate from another Parish, or on their own written request; or Communicants.

**Pewed churches.** [2]. All who hold one or more sittings in the Parish Church, and have paid the rent due thereon to the beginning of the quarter in which the meeting or election is held; or

**Free churches.** [3]. In a Church where the seats are not rented, all who have been received as worshippers in that Parish, on their own written request, by the Minister, or if there be no Minister, by the Senior Warden, or the Secretary of the Board of Trustees, and have contributed since their reception to the support of the Church in the way appointed in that Parish.

**A list to be kept.** SEC. 4. There shall be kept in every Parish by the Minister, or if there be no Minister, by the Senior Warden, or the Secretary of the Board of Trustees, a list of all who have been received into the Parish as voters. This list shall specify whether they are communicants or registered worshippers.

**No pluralities of office.** SEC. 5. No one shall vote in more than one Parish in this Diocese.

**Chartered parishes.** SEC. 6. No provision of this Canon shall apply to any Parish with whose charter or act of incorporation such provision shall conflict.

### CANON III.

#### *Duties of Rector, Wardens and Vestrymen.*

**The Rector.** SEC. 1. The Rector has exclusive charge, under the Canons, of all things affecting the spiritual interests of the Parish, subject only to the Bishop. It is his duty to give order concerning the worship of the Church, together with all that appertains thereto. He may from time to time appoint fit and proper persons to perform, under his supervision, such duties relative to the service and the decoration of the Church, as may be properly done by lay men or women. He shall be at all times entitled to access to the Church, to open the same for public worship, for catechetical or other religious instruction, marriages, baptisms, funerals, and all other offices authorized by the Church. He shall have spiritual direction and control of all Sunday Schools, Parish Schools, and other educational and charitable associations connected with the Parish, and shall preside, with right to vote, at all Parish and Vestry meetings.

**The Wardens.** SEC. 2. It shall be the duty of the Wardens, under the Rector, to protect the Church property, and to see that all things needed for the orderly worship of God, and for the administration of the Sacraments and Ordinances of the Church, be provided.

**The Vestry.** SEC. 3. It is the duty of the Vestry to see that the funds of the Parish, other than those for special and charitable objects, are expended properly, and to elect and call the Rector and provide for his maintenance.

## CANON IV.

*Of the Formation of New Parishes.*

SEC. 1. No new Parish shall be organized or established, and no Church or Chapel be erected, in this Diocese, without the written consent of the Bishop, acting with the advice and consent of the Standing Committee; and the consent to organize or establish a Parish shall not be given until the Congregation desiring such organization, shall present to the Bishop a declaration in writing, passed at a regularly convened meeting of the Congregation, and signed by the President and Secretary, that,

The Bishop's consent required.

Written application to the Bishop.

[1]. The said Parish, its Rector and Vestry, shall at all times adhere to and observe the doctrines, discipline and worship of the Protestant Episcopal Church in the United States of America; and the laws of the State of New Jersey.

[2]. The said Parish shall at all times be subject to the spiritual jurisdiction and authority of the Bishop of the Diocese of New Jersey; or, in case of a division, to that of the Bishop within whose jurisdiction it may come.

[3]. The said Parish, whether organized with Trustees or with a Vestry, will apply, so soon as possible after its incorporation, for admission into union with the Convention of the Diocese, and will become subject to the Constitution and Canons thereof.

SEC. 2. No Parish hereafter organized shall be entitled to Episcopal visitations and ministrations until it shall have complied with the above provisions of this Canon.

SEC. 3. [1]. The word Parish, whenever it occurs in this Canon, shall be taken to mean any Congregation of the Protestant Episcopal Church in this Diocese duly organized according to the Constitution and usages of said Church.

[2]. When it is desired to form a new Parish, or to erect a Church or Chapel in any part of this Diocese (except on the site of a previously existing Church or Chapel), the mode of procedure shall be as follows, viz.:

[3]. The persons desiring the formation of a Parish, or the erection of a Church or Chapel (except as above), shall make a written application, signed by as many of them as may be convenient to the Bishop for his consent.

[4]. The Bishop shall then lay the matter before the Standing Committee, and, at the same time, shall give notice of the application to the Rectors, or (in the absence of a Rector) the Wardens of the three Parishes whose houses of worship are nearest to the location of the new church building proposed, or the new Parish desired; and, also, that any objections they may submit to the

Objections to be sent in writing to the Bishop.

Bishop in writing will be duly considered by the Bishop and Standing Committee.

Time of decision.

[5]. After thirty days from the giving of such notice, the Standing Committee shall proceed to the consideration of the applications, and also of the objections, if there be any, and to give their Canonical advice on the matter to the Bishop. If their advice and consent be given to the application, the Bishop may then give his consent to the action proposed. Such action cannot be proceeded with without his consent.

SEC. 4. The consent of the Bishop and Standing Committee for the formation of a new Parish, or the erection of a new Church or Chapel, shall be in the following form :

Form of consent.

“The formation of a new Parish, (or the erection of a new Church or Chapel) in the town of \_\_\_\_\_, County of \_\_\_\_\_, to be known as \_\_\_\_\_ Church, having been duly considered by the Standing Committee, and approved by them, I do hereby give my Canonical consent to the formation of said Parish (or the erection of said Church or Chapel).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord

A. B., *Bishop of New Jersey.*

Attest :

C. D., *Secretary Standing Committee.*”

### CANON V.

#### *Of Vacant Parishes.*

Notice of vacancies.

On the organization of any new Parish in this Diocese, or on the occurrence of a vacancy in the Rectorship of 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.

## Title III.

### OF DISCIPLINE.

#### CANON I.

##### *Of Persons Repelled from the Holy Communion.*

A written notice.

SEC. 1. When a minister repels a person from the Holy Communion, he shall give to the person so repelled a previous written notice of the fact and cause of the repulsion, and also of his and her right to make an appeal to the Bishop within the period specified by the Canon of the General Convention.

SEC. 2. If the person thus repelled from the Holy Communion appeals to the Bishop, and is not restored by him, the Bishop may, and if the person repelled demands it, shall appoint one Presbyter and two Laymen, who shall make inquiry into the truth of the facts alleged, and shall report thereof, with their opinion thereon, to the Bishop, who may, or may not restore the person as he may deem proper.

SEC. 3. If no appeal be made within the time specified by Canon, or the Commission of Inquiry sustain the repulsion, and the Bishop approve the action of the Minister, he shall give a written or printed affirmation of the repulsion to the Minister, and also to the person who has been repelled, and to the Rector of every Parish in the Diocese; and in like manner, if the Bishop restore the person, he shall give notice of the same in writing to both the Minister and the person restored.

## CANON II.

*Of Proceedings in the Case of a Minister Accused of an Offence for which He may be Tried and Punished.*

SEC. 1. When a minister is accused of an offence for which he may be tried and punished according to Canon II, of Title II of the Digest, the Bishop, or if there be no Bishop, the Standing Committee of the Diocese, may appoint not less than three nor more than five Presbyters, who, or a majority of whom, shall make such inquiries as may satisfy them of the innocency of the accused or of the sufficiency of ground for presentment and trial. If satisfied of his innocency, they shall make report accordingly; if of the sufficiency of ground for presentment and trial, two of them shall present the accused for trial according to the Canon in each case made and provided.

SEC. 2. Any Minister of this Diocese may, for himself, request of the Bishop the inquiry provided for in this Canon, in which case it shall be instituted and shall proceed in accordance with Section 1 of this Canon.

SEC. 3. To defray the expenses connected with the enquiries referred to in this Canon, the Treasurer shall pay to the Bishop, upon his written application, with the endorsement of the Standing Committee, a sum not exceeding one hundred dollars for any case occurring in any Conventional year.

## CANON III.

*Of the Presentment and Trial of Clergymen.*

Whenever any Minister of this Diocese shall become "liable to presentment and trial," the mode of proceeding shall be as follows:

A written presentment.

Who may make it.

SEC. 1. The trial shall be on a presentment in writing, addressed to the Bishop, or, if there be no Bishop, to the Standing Committee, specifying the offence or offences of which the accused is alleged to be guilty, with reasonable certainty as to time, place and circumstances; such presentment may be made by the major part in numbers of the Vestry of any Church of which the accused is or has been a Minister; or by any two Presbyters of this Diocese, or by the Convention of the Diocese, or in case of alleged misconduct in another Diocese, by the Bishop of that Diocese. No presentment shall be entertained in any case for an offence alleged to have been committed more than three years before date of the presentment.

The Bishop has power to dismiss.

SEC. 2. A presentment being made by any one of the modes above prescribed, the Bishop, if the facts charged shall not appear to him to be such as to constitute an offence, may dismiss it; or if it allege facts, some of which do, and some of which do not, constitute an offence, he may allow it in part and dismiss the residue, or he may permit it to be amended. When it shall be allowed, in whole or in part, the Bishop shall cause a copy of it to be served on the accused; and shall nominate eight Presbyters of this Diocese entitled to seats in the Convention, who are not parties to the presentment, and cause a list of their names to be served on the accused, who shall, within thirty days after such service, select five of them and notify their names in writing to the Bishop. If he shall not give such notification to the Bishop within thirty days, the Bishop shall select five. The Presbyters so selected shall form a board for the trial of the accused, and shall meet at such time and place as the Bishop shall direct, and shall have power to adjourn from time to time, and from place to place, (but always within the Diocese) as they shall think necessary.

The Court.

Notice of meeting.

SEC. 3. A written notice of the time and place of their first meeting shall be served, at least thirty days before such meeting, on the accused, and also on one of the persons making the presentment.

A majority necessary.

SEC. 4. If at the time appointed for the first meeting of the Board of Presbyters the whole number of five shall not attend, then those who do attend, not being less than three, shall constitute the board and proceed with the trial, and a majority of them shall decide all questions.

Non-appearance of the accused.

SEC. 5. If at the time appointed for the first meeting of the Board of Presbyters, the clergyman presented, after having had due notice, shall not appear before the Board, they may nevertheless proceed as if he were present, unless for good cause they shall see fit to adjourn until another day.

SEC. 6. When the Board proceed to the trial, the evidence shall be reduced to writing and signed by the witnesses respectively. If on, or during the trial, the accused shall confess the truth of the charges as stated in the presentment, the Board may dispense with hearing further evidence, and may proceed at once to state their opinion to the Bishop (who is to pronounce the sentence), as to the sentence that ought to be pronounced. Evidence  
in writing.

SEC. 7. Upon the application of either party to the Bishop, and it being made to appear satisfactorily to him that any material witness cannot be procured upon the trial, the Bishop may appoint a commissary to take the testimony of such witness. Such commissary may be either a clergyman or layman, and the party so applying shall give to the other at least six days' notice of the time and place of taking the testimony. If the person on whom the notice shall be served, shall reside more than forty miles from the place of examination, an additional day's notice shall be given for every additional twenty miles of the said distance. Both parties may attend and examine the witnesses. The questions and answers shall be reduced to writing and signed by the witness, and shall be certified by the commissary, enclosed under his seal, and transmitted to the Board, and if competent, shall be received by them as evidence. All notices and papers contemplated under this Canon may be served by one or more summoners to be appointed by the Bishop, whose certificate of such service shall be evidence thereof. In case of service by any other person, the fact shall be proved by the affidavit of such person. A written notice or paper delivered to a party, or left at his last place of residence, shall be deemed a sufficient service of such notice or paper. Counsel shall be allowed on both sides, not exceeding two to either, at the pleasure of the parties, provided they be communicants of this Church. The Bishop shall appoint some person to act as clerk, to record carefully the proceedings. A commis-  
sary.  
  
Sum-  
moners.  
  
Counsel.  
  
Clerk.

SEC. 8. The Board, having deliberately considered the evidence, shall declare in writing signed by them or a majority of them, their decision on the charges contained in the presentment, distinctly stating whether the accused is guilty or not guilty of such charges respectively, and also stating the sentence which in their opinion should be pronounced. A copy of such decision shall, without delay, be communicated to the accused; and the original decision, together with the evidence, shall be delivered to the Bishop of the Diocese, (or if there be no Bishop, to that Bishop who has been requested by the Standing Committee to act in this case), who shall pronounce such canonical sentence as shall appear to him to be proper; *provided*, the same Judgment  
and the  
sentence.

shall not exceed in severity the sentence recommended by the Board. Before pronouncing any sentence the Bishop shall summon the accused, and any three or more of the Clergy, to meet him at such time as may, in his opinion, be most convenient, in some Church to be designated by him, which shall for that purpose be open at the time to all persons who may choose to attend, and the sentence shall then and there be publicly pronounced by the Bishop; but no sentence shall be pronounced until the expiration of twenty days from the adjournment of the Board of

A new trial.

Trial. At any time within fourteen days after the delivery of the Judgment of the Board to the accused, he may make application to the Bishop and the Standing Committee for another hearing. This application must set forth the exceptions he takes to the proceedings or finding of the Board. If his appeal be granted, no other matter shall be introduced at the new trial by either party, but such as bears upon the points to which the exceptions had been taken; *provided*, that new evidence discovered since the former trial may be considered upon a motion for a new trial. Such new evidence shall be presented in the form of affidavits, and may be considered as before the Appellate Court for its consideration.

New evidence.

Members of the Appellate Court.

SEC. 8. If the Bishop and the Standing Committee concur in the opinion that the appeal should be granted, the Court before which it shall be tried shall be constituted and proceed as follows:

[1]. The Appellate Court shall consist of the Bishop, the Clerical members of the Standing Committee and two Presbyters of the Diocese; one of them selected by the Standing Committee and the other by the accused. But no Presbyter shall sit as a member of this Court who was among the presenters of the accused, or who was a member of the Board of Trial. If any of the members of the Standing Committee had been such, another Presbyter of the Diocese shall be selected by the Standing Committee to occupy his place in the Appellate Court.

Prosecutor.

[2]. The previous Board of Trial shall select one of the Presbyters of the Diocese (who may or may not have been a member of that Board), to be the manager of the prosecution before the Appellate Court.

Rules.

[3]. The same rules of procedure shall be followed in this Court, and the same regulations be observed as to notices of time and place of trial, taking of evidence, serving of summons, the attendance of counsel, record of proceedings, and the action of the Court and the Bishop after the finding of the verdict, as are directed in relation to the corresponding matters connected with the Board of Trial in Sections 3 to 7 of the present Canon.

## CANON IV.

*Of Differences between Ministers and their Congregations.*

SEC. 1. Whenever there shall be any serious difference between the Rector of any Church in this Diocese and the congregation thereof, it shall be lawful for a majority of the Vestry or Trustees to make a representation to the Bishop stating the facts in the case, and agreeing for themselves and for the congregation which they represent, to submit to his decision in the matter, and to perform whatever he may require of them by any order which he may make under the provisions of this Canon, and shall at the same time serve a copy of the representation on the Rector. Promise of  
Submis-

SEC. 2. It shall be the duty of the Bishop at all stages of the proceedings, to seek to bring them to an amicable conclusion ; in such a case the agreement between the parties, signed by them and attested by the Bishop, shall have the same force as an order made under Section 4 of this Canon. Amicable  
solution.

SEC. 3. If the matter shall not be amicably settled within a reasonable time, the Bishop shall convene the Standing Committee, and shall give notice to the parties to appear before them and present their proofs and arguments at such time and place as he may appoint. He may adjourn or continue the hearing of the matter at his discretion. Arbiters.

SEC. 4. When the hearing is concluded, the Bishop shall make such an order in regard to the matter as he may think to be just and for the true interests of the Church ; and such order may require the Rector to resign his rectorship, and may require the Church to pay a sum of money to the Rector ; and it shall be the duty of the Rector, and of the Church, and every member thereof, to submit to and abide by such order, as the final and conclusive determination of all matters of difference between them ; *provided*, that no order shall be made under this or the next succeeding section of this Canon, unless with the advice and concurrence of at least a majority of the members of the Standing Committee, who shall have been present at the hearing. The judg-  
ment.  
  
Proviso.

SEC. 5. If it shall be made to appear to the Bishop that any agreement made under Section 2 of this Canon, or any order made under Section 4 of this Canon, shall have been disregarded by any of the parties concerned, or if application be made to him to modify such order, he may convene the Standing Committee, and, after hearing such further proofs and arguments as may be presented to him, make such further order as he may think proper with the same effect as an order made under Section 4 of this Canon. Failing to  
keep agree-  
ment.

Penalty.

SEC. 6. If any Church or congregation shall persistently neglect or refuse to obey any order made under this Canon, it shall be the duty of the Bishop to exhort the members of such congregation to submit to the authority and discipline of the Church, and if they will not do so, the Convention may proceed to dissolve the union between the Church so offending and the Convention of the Diocese, and may take such other action in the matter as it may think expedient; *provided*, that no such action shall be held or taken to be a surrender of any right which either the Church in this Diocese, or such members of said congregation as submitted to the authority and discipline of the Church, may have in the corporation of such Church, or in any property belonging thereto.

Proviso.

## Title IV.

DIOCESAN INSTITUTIONS, AND MISCELLANEOUS PROVISIONS.

### CANON I.

#### *Diocesan Missions.*

Convoca-  
tion of New  
Brunswick.

SEC. 1. For its missionary work, the Diocese shall be divided into two districts, to be called Convocations, viz.:

1. The Convocation of New Brunswick, to include the counties of Union (except the township of Summit), Middlesex, Somerset, Hunterdon, Mercer, Monmouth and Ocean.

Of Burling-  
ton.

2. The Convocation of Burlington, to include the counties of Burlington, Camden, Atlantic, Gloucester, Salem, Cumberland and Cape May.

Organiza-  
tion.

SEC. 2. Each Convocation shall consist of the Clergy canonically resident within its limits, with the lay delegates from its several parishes for the time being to the Diocesan Convention; and one lay delegate from each parish and mission (not represented in Convention), and shall be organized under the direction of the Bishop, who is, *ex-officio*, the President. Each Convocation shall have a Rural Dean, a Secretary, Treasurer, and such other officers as its work may require; and shall make its own by-laws.

Officers.

By-laws.

Work.

SEC. 3. Each Convocation shall have charge of all the Diocesan missions within its limits, and designate such new missionary work as may, with the approval of the Bishop, be undertaken by it. All appointments of missionaries shall be by the Bishop. The Convocation shall have full management of its own funds; shall hold regular meetings at least three times a

Appoint-  
ments.

Meetings.

year; and at the first regular meeting after the Diocesan Convention in each year shall elect by ballot a Secretary and a Treasurer, who shall serve for one year, or until their successors are elected.

SEC. 4. The Rural Dean of each Convocation shall be appointed by the Bishop from three Clergymen nominated to him by ballot of the Convocation. His term of office shall be for one year, and he shall be eligible for re-election. The duties of the Rural Dean shall be: to preside at meetings of the Convocation in the absence, or at the request of, the Bishop; to superintend all the missionary work within his district; to visit, when desired by the Bishop, all missions and parishes receiving missionary aid, and to visit all other parishes, with the consent of their respective Rectors, in the interest of his work. He shall prepare a report, on or before the 15th of April in each year, giving the conditions, needs and progress in detail, of the Missions of the Convocation; and this report shall be printed, and a copy sent to every Clergyman holding a cure in the Convocation, with the request that he will read the same to his congregation, at a Sunday service, as soon after its reception as may be convenient.

Appoint-  
ment of  
Rural Dean.  
  
Duties.  
  
Report.  
  
Copy to be  
sent to all  
Clergymen.

SEC. 5. The Rural Deans' Reports, with their recommendations, shall be made to the Convention when sitting for the consideration of missionary business; and these Reports, with the Annual Reports of the Treasurers of the Convocations, showing in detail, the contributions of the Parishes and Mission stations, with the list of non-contributing Parishes, if any, shall be printed in the Journal of the Convention.

Rural  
Dean's Re-  
ports to be  
made to  
Conven-  
tion.

SEC. 6. Every Minister having charge of a congregation within the Diocese shall be earnestly requested to see that there be made and reported at least one annual collection for its Missionary Fund, from the Parish or station in his charge.

Ministers  
make one  
collection.

SEC. 7. All moneys collected within each Convocation for Diocesan Missions shall be distributed subject to its own by-laws. The income from the permanent missionary funds, when not specifically appropriated by the terms of the trust, shall be applied to the missions of the Diocese, in such manner as the Bishop, by written order to the Treasurers may direct.

Distribu-  
tion of  
money.

SEC. 8. The Convention shall sit at its pleasure for the consideration of Missionary business; and, at such session, the recommendations of the Rural Deans, which have received the approval of the Bishop, may be considered, and such parts of their reports as he shall direct shall be read.

Convention  
to consider  
Reports.

## OF TRUSTEES OF DIOCESAN FUNDS, OR PROPERTY.

## CANON II.

*Election, and Duties.*

Election by ballot.

SEC. 1. The Trustees of every Diocesan Fund, or property, shall be elected by ballot, and shall be for the term specified in the Act of Incorporation.

Shall keep minutes.

SEC. 2. The Trustees of every fund, or property, shall keep a book of minutes as a record of their proceedings; and all their acts shall be entered in such book as soon as passed by them. These books, together with the accounts of the Trustees, shall always be subject to the inspection of the Bishop, and of the Standing Committee, if required.

Annual Report to Convention.

SEC. 3. Each Board of Trustees shall present to each Annual Convention a detailed statement of the Fund in its possession, with the additions or changes made, so that the Convention may know of its trust funds; and they shall also exhibit the securities for inspection, when required by a committee appointed by Convention, or by the Standing Committee, if there be no special committee.

Disbursements of Funds.

SEC. 4. The disbursement of the income of Trust Funds shall be as directed by Canon. And the same order shall apply to property held in trust for the Convention.

## CANON III.

*Of the Fund for Aged and Infirm Clergy.*

Annual collection recommended on Thanksgiving Day.

SEC. 1. An annual collection is recommended to be made on Thanksgiving Day, or on some Sunday near thereto, in every Parish and Mission in this Diocese, for the relief of clergymen disabled by age or disease. Such collections shall be forwarded, as soon as possible, to the Trustees of the Fund, and shall be applied by them as hereinafter provided.

SEC. 2. Ten per cent. of the amount received from collections, with any unappropriated funds, at the end of the conventional year shall be added to the principal of the Fund, and invested as principal. The interest on the principal of the Fund for Aged and Infirm Clergy, all special donations to the Fund in the conventional year, and the balance of the collections received from Parishes and Missions shall form the fund available for appropriations.

Trustees to make appropriations, &amp;c.

SEC. 3. The Trustees of the Fund shall make regular appropriations on the written order of the Standing Committee, furnished by the Secretary of the Committee. The Standing Committee shall order regular appropriations only upon the

written recommendation of the Ecclesiastical authority of the Diocese. Those who shall be entitled to regular appropriations shall be clergymen of the Diocese who have been such for at least three years preceding their application, and have spent not less than two years in the active discharge of the duties of the ministry within the limits of the Diocese, and have taken at least two consecutive annual collections for this Fund. A failure to take a collection will disable any clergyman from being entitled to regular appropriations, until he shall again make himself entitled by two consecutive annual collections. If a clergyman entitled to regular appropriations ceases to hold a cure, he shall not lose his right to regular appropriations which he had while holding cure.

SEC. 4. The Trustees of the Fund shall make special appropriations from the available fund, if that fund has not been already exhausted by regular appropriations under Sec. 3 of this Canon, and provided further that the amount of all special appropriations shall not exceed thirty per cent. of the available fund in any one conventional year. When special appropriations are made they shall be as follows.—(1) The Trustees shall pay upon the written order of the Ecclesiastical authority of the Diocese, a sum not exceeding seventy-five dollars toward defraying the funeral expenses of any clergyman belonging to the Diocese. (2) They shall make a special appropriation when such appropriation has been ordered by three-fourths of the members of the Standing Committee, at a regular meeting of said Committee. The Standing Committee shall order special appropriations only in cases of very urgent and special need upon the written recommendation of the Ecclesiastical authority of the Diocese in behalf of those who do not come within the previous conditions of this canon; and only clergymen who have been connected with the Diocese not less than two years and have been engaged in clerical work approved by the Ecclesiastical authority during that time, shall be considered eligible for special appropriations.

SEC. 5. All regular appropriations shall be payable semi-annually, unless otherwise ordered. The Trustees of the Fund shall report to each regular meeting of the Standing Committee the amount of the available fund in their possession, and at the meeting before the annual Convention, they shall exhibit to the Committee a complete statement of the Fund, with all additions and investments connected with the Fund, together with the individual receipts, and the expenditures during the year. And they shall present the complete statement to each annual Convention of the Diocese, for such disposition as the Convention may direct.

## CANON IV.

*Of the Fund for the Relief of the Widows and Orphans of Clergymen of the Diocese of New Jersey.*

Annual collection recommended.

SEC. 1. An annual collection is recommended to be made in every Parish and Missionary Station, for the Fund for the Relief of the Widows and Orphans of Clergymen in the Diocese of New Jersey.

SEC. 2. All contributions to this Fund shall be forwarded to the Treasurer of the Trustees of the Fund, and held by him subject to the following provisions:

Twenty per cent. to be added to principal.

SEC. 3. Twenty per cent. of the amounts contributed to the Fund from Parishes or Mission Stations, together with any unexpended balance remaining unappropriated at the end of the year, shall be added to the principal of the Fund. The interest of the principal of the Fund, and all special donations and the balance of the contributions shall be subject to the order of the Trustees of the Fund, upon the nomination of the Bishop of the Diocese, or the clerical members of the Standing Committee in case of a vacancy in the office of Bishop.

Who entitled.

SEC. 4. Appropriations from this Fund may be made to those families of clergymen of this Diocese, who have been such for three years previous to their death, and have been contributors to this Fund, if holding cures in the Diocese.

SEC. 5. All appropriations shall be payable semi-annually, unless otherwise ordered; and the appropriations from the Fund shall be open to the inspection of members of the Convention, if asked for.

## CANON V.

*Of Trustees of the Missionary Funds.*

SEC. 1. The Trustees of the Missionary Funds shall consist of three male communicants of the Church in this Diocese.

Income to be paid to Bishop, &c.

SEC. 2. The income of the several Funds, where the conditions of the trust do not conflict, shall be paid to the Bishop of the Diocese, to be applied to missionary purposes. The income of Funds that are subject to conditions shall be applied only according to the tenor of those conditions.

## CANON VI.

*Of Trustees of Church Property in the Diocese of New Jersey.*

The Trustees of Church Property in the Diocese of New Jersey shall consist of three male communicants of the Church in this Diocese, who shall be empowered to receive, hold and prop-

erly dispose of all estate, real or personal, which may be given, conveyed, bequeathed or transferred to it in trust, for any religious, charitable or educational use connected with the Church in said Diocese, or any portion thereof, or for the aid or benefit of said Diocese, or any parish or congregation in the Diocese.

#### CANON VII.

##### *Of Scholarships in the General Theological Seminary.*

The Bishop of the Diocese shall have the power of nominating a Candidate for Holy Orders on any scholarship or scholarships which are or may be hereafter founded by this Convention, in the General Theological Seminary.

#### CANON VIII.

##### *Of Alterations of these Canons.*

SEC. 1. No proposed alterations of, or additions to these 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, and who shall hold their office until their successors be elected. The Convention may consider, at any time, any amendment to the Constitution or Canons that has been considered by the said Committee sitting between the annual sessions of the Convention; *provided* the proposed amendment has been printed, and is in possession of the members of the Convention.

SEC. 2. When any alteration of the Constitution and Canons is made by the Convention all such alterations shall be printed as amended in an appendix to the Journal of the Convention, and continued from year to year until such time as a new edition of the Constitution and Canons shall be ordered by the Convention. The appendix shall also show, by a foot-note, in what year the alterations were effected.

#### CANON IX.

All former Canons of this Convention are hereby repealed.

## Title V.

SUPPLEMENTARY CANONS, PASSED BY THE GENERAL CONVENTION.

### CANON I.

#### *Of Postulants and Candidates for Orders.*

Consul-  
tation' with  
Rector.

1. Every person desiring to be admitted Candidate for Holy Orders, is, in the first instance, to consult his immediate Spiritual Pastor or Rector, setting before him, freely and fully, the grounds of his desire, for admission to the Ministry, together with such circumstances in his personal constitution, relations and position as may bear on his qualifications, or tend to affect his course of preparation.

Notice of  
intention.

2. If counselled to persevere in his intention, such person shall then, with letter of approval and introduction from the Pastor or Rector, personally, if possible, or by letter, give notice of his intention to the Bishop of the Diocese, stating whether he has ever applied for admission as a Candidate in any other Diocese; (2) whether he is prepared at once to apply for recommendation to be admitted Candidate; (3) or, if not so prepared, where he proposes to prosecute preparatory studies, and whether he expects or desires aid in such studies while a Postulant; and (4) the time and place of his Baptism, Confirmation and first Communion; *provided, however*, that nothing herein contained shall prevent the Bishop, for reasons satisfactory to himself, from receiving such application and notice, without such letter of approval and introduction, if the same, when applied for, be not given by such Pastor or Rector.

Proviso.

To what  
Bishop the  
application  
must be  
made.

3. Such notice must be given to the Bishop of the Diocese in which the person is actually resident, and can be received by none other,

Application  
for candi-  
dateship.

4. The Postulant for admission to candidateship may at any time, after application to the Bishop duly made, apply to the Standing Committee of the Diocese for recommendation to the Bishop for admission as a candidate.

5. In order thereto he shall, with his application, lay before the committee testimonials in the following words:

Testimo-  
nial.

We, whose names are hereunder written, testify from our personal knowledge and belief, that A. B. is pious, sober and honest; that he is attached to the doctrine, discipline and worship of the Protestant Episcopal Church, and that he is a Communicant of the said Church in good standing; and do furthermore declare that, in our opinion, he possesses such qualifications as fit him for entrance on a course of preparation for the Holy Ministry.

6. Such testimonials shall be signed either by the Rector and a majority of the Vestry of the Parish to which the Postu-

lant may belong, *said Vestry being duly convened, and this fact being explicitly stated on the face of the testimonials*, or, in circumstances justifying such alternative, by at least one Presbyter and four respectable Laymen, Communicants of the Protestant Episcopal Church. To be signed by the Rector and Vestry.

7. The Standing Committee shall be sole judge of the propriety of receiving testimonials signed by others than a Rector and Vestry. Committee sole judge.

8. If the Postulant desires to *be candidate for Priesthood*, as well as for the Diaconate, he must lay before the Bishop a satisfactory diploma, or other satisfactory evidence, that he is a graduate in arts of some university or college in which the learned languages are duly studied; and if the Bishop be not fully satisfied of the sufficiency of such diploma, he may remit the same, for consideration and advice, to the Standing Committee of the Diocese. A diploma.

9. But if the Postulant be not a graduate as aforesaid, shall be remitted by the Bishop to the Examiners of Candidates for the Priesthood, for examination, as prescribed in the Canon of Examinations. In a case of emergency, the Bishop may appoint any two or more learned Presbyters to hold such examination. Or examination.

10. A Postulant for admission to candidateship desiring to become a *Candidate for the office and ministration of a Deacon only*, must present to the Bishop, at the time of signification of such desire, certificates from two or more learned Presbyters, that on their personal knowledge of him, and actual examination for further satisfaction, they deem him to possess such personal qualifications, and to have attained such proficiency in the English language and learning, and in particular in the art of reading aloud, and such general acquaintance with the Holy Scriptures and the Book of Common Prayer, as justify the expectation of his usefulness in the office of Deacon, when thereto admitted, after due trial and preparation in his candidateship, *provided*, always, that in the case of a Postulant proposing to minister in a Congregation worshipping in a language other than English, testimony of proficiency in the English language may be dispensed with. To the diaconate alone.

[Title I., Canon 2.]

## CANON II.

### *Of Lay Readers.*

SEC. 1. A Lay Communicant of this Church may receive from the Bishop a written license to conduct the service of the Church in a Congregation convened for public worship, as a Lay Written license may be given by the Bishop.

Limitations.

Reader; but such 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. Such license may be given by the Bishop, of his own motion, for service in any vacant Parish, Congregation or Mission; but where a Rector is in charge, his request and recommendation must have been previously signified to the Bishop. Such license must be given for a definite period, not longer than one year from its date; but it may be renewed from time to time by the Bishop's indorsement to that effect. The license of any Lay Reader may be revoked at the discretion of the Ecclesiastical Authority.

Only given for a definite period.

License revocable.

Restrictions.

SEC. 2. A Lay Reader so licensed shall not act as such in any Diocese other than his own, unless he shall have received another license from the Bishop of the Diocese in which he desires to serve. If he be a student in any Theological Seminary, he shall also obtain the permission of the presiding officer of such institution.

Lay Reader subject to the Ecclesiastical Authority.

And the Minister in charge.

Directions and restrictions.

SEC. 3. Every Lay Reader shall be subject to such regulations as may be prescribed by the Ecclesiastical Authority. 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, or, where there is no Minister in charge, to the directions of the Bishop. He shall not use the Absolution, nor the Benediction, nor the Offices of the Church, except those for the Burial of the Dead, and for Visitation of the Sick and of Prisoners, omitting in these last the Absolutions and Benedictions. He shall not deliver Sermons of his own composition; but he may deliver addresses, instructions and exhortations as a Catechist in vacant Parishes, Congregations or Missions, if he be specially licensed thereto by the Bishop. He shall not assume the dress appropriate to Clergymen ministering in the Congregation.

[Canon 9., Title I.]

### CANON III.

*Of Persons not Ministers in this Church, officiating in any Congregation thereof.*

Evidence of ordination necessary for officiating.

Proviso.

No Minister in charge of any Congregation of this Church, or, in case of vacancy or absence, no Church Wardens, 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.

[Canon 14, Title I.]

CANON IV.

*General Regulations of Ministers and their Duties.*

SEC. 1. It is hereby required that on the election of a Minister into any Church or Parish, the Vestry shall deliver or cause to be delivered to the Bishop, or, where there is no Bishop, to the Standing Committee of the Diocese, notice of the same in the following form or to this effect:

We, the Church Wardens, [or in case of an Assistant Minister, We, the Rector and Church Wardens,] do certify to the Rt. Rev. . . . ., [naming the Bishop,] or to the Rev. . . . ., [naming the President of the Standing Committee,] that . . . . ., [naming the person,] has been duly chosen Rector [or Assistant Minister as the case may be] of . . . . ., [naming the Parish or Church.]

Which certificate shall be signed by the names of those who certify.

[Section 1, Canon 15, Title I.]

2. The Alms and Contributions at the Administration of the Holy Communion 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.

[Section iii [2], Canon 15, Title I.]

CANON V.

*Of Church Music.*

1. The selection of the Psalms in metre, and Hymns which are set forth by authority, and Anthems in the words of Holy Scripture, are allowed to be sung in all congregations of this Church before and after Morning and Evening Prayer, and also before and after Sermons, at the discretion of the Minister, whose duty it shall be, by standing directions, or from time to time, to appoint such authorized Psalms, Hymns or Anthems as are to be sung.

Psalms, hymns and anthems which may be sung.

2. It shall be the duty of every Minister of this Church, with such assistance as he may see fit to employ from persons skilled in music, to give order concerning the tunes to be sung at any time in his Church, and especially it shall be his duty to suppress all light and unseemly music, and all indecency and irreverence in the performance, by which vain and ungodly persons profane the service of the sanctuary.

The minister to give order concerning the tunes.

[Canon 23, Title I.]

## CANON VI.

*Regulations Respecting the Laity.*

Removal of communicant. A Communicant removing from one Parish to another shall procure from the Rector (if any) of the Parish of his last residence, or, if there be no Rector, from one of the Wardens, a Certificate. certificate stating that he or she is a Communicant in good standing; and the Rector of the Parish or Congregation to which he or she removes shall not be required to receive him or her as a Communicant until such letter be produced.  
[Canon 12, Title II.]

## CANON VII.

*Of Marriage and Divorce.*

Unlawful marriage. 1. If any persons be joined together otherwise than as God's Word doth allow, their marriage is not lawful.

Divorced persons. 2. No Minister, knowingly, after due inquiry, shall solemnize the marriage of any person who has a divorced husband or wife still living, if such husband or wife has been put away for any cause arising after marriage; but this Canon shall not be held to apply to the innocent party in a divorce for the cause of adultery, or to parties once divorced seeking to be united again.

The sacraments to be withheld from persons married otherwise than as God's Word doth allow. Proviso. 3. 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 thereon; *provided, however*, that no Minister shall, in any case, refuse the Sacraments to a penitent person in imminent danger of death.

Questions to be referred to the Bishop. 4. Questions touching the facts of any case arising under Section 2, of this Canon, shall be referred to the Bishop of the Diocese or Missionary Jurisdiction in which the same may occur, or, if there be no Bishop of such Diocese or Missionary Jurisdiction, then to some Bishop to be designated by the Standing Committee; and the Bishop to whom such questions have been so referred shall thereupon make inquiry in such manner as he shall deem expedient, and shall deliver his judgment in the premises.

Penalties limited. 5. This Canon, so far as it affixes penalties, does not apply to cases occurring before it takes effect, according to Title IV., Canon 4.

[Canon 13, Title II.]

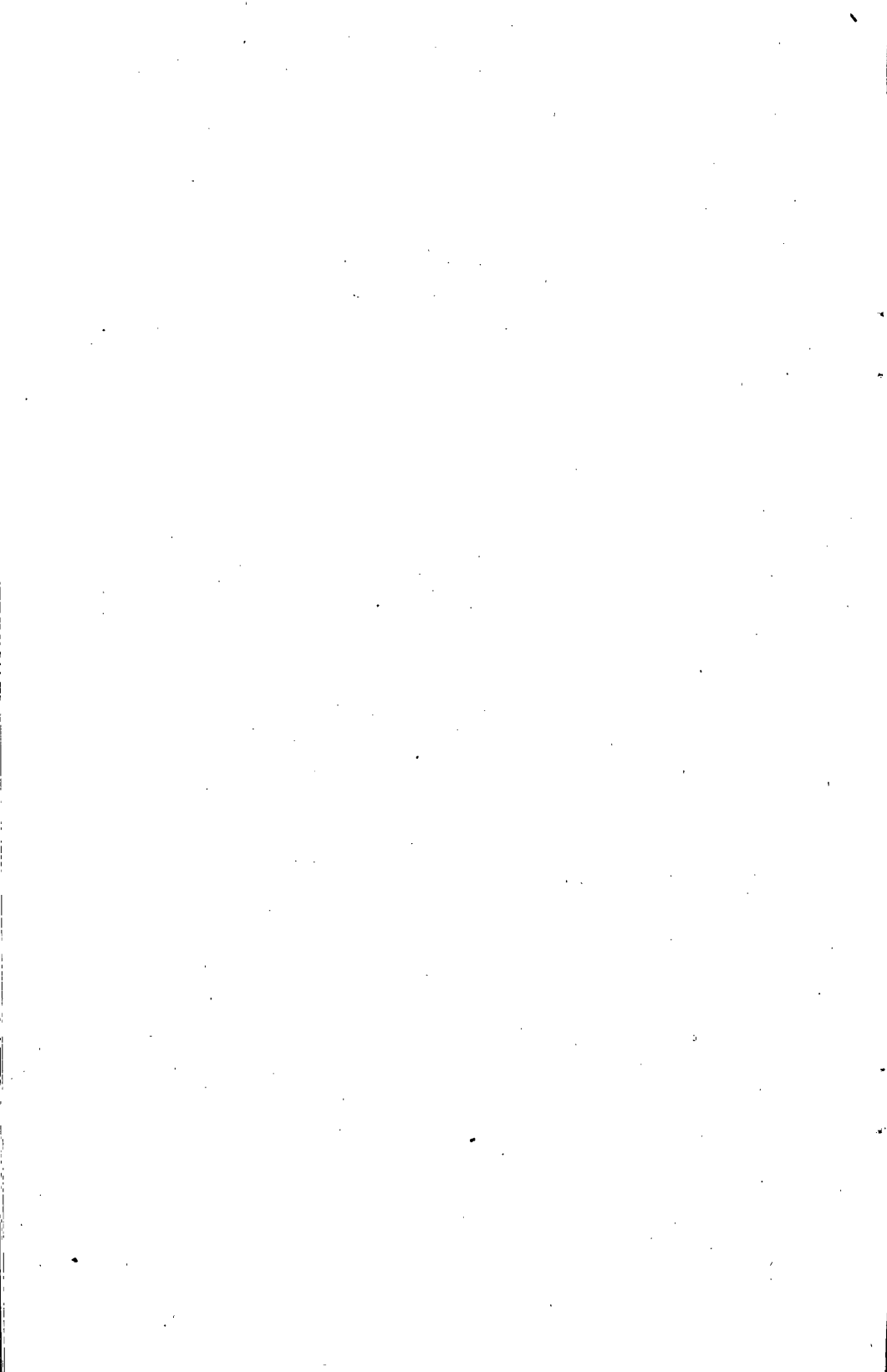
Appendix.

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LEGISLATIVE ACTS

AND

FORMS THEREUNDER.



## ACTS INCORPORATING THE DIOCESE.

[Pamphlet Laws of 1826, page 9.]

An act to incorporate "The Convention of the Protestant Episcopal Church, in the State of New Jersey."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* 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 of "The Convention of the Protestant Episcopal Church in the State of New Jersey."

SEC. 2. *And be it enacted,* 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 personal body politic or corporative 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 shall think proper, and the same to break, renew or alter at pleasure.

SEC. 3. *And be it enacted*, 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.

Passed November 20, 1826.

NOTE.—*For law providing for incorporating Dioceses that may hereafter be created, See P. L. 1880, p. 26. [Supplement to Revision, p. 858.]*

## INCORPORATION OF TRUSTEES OF EPISCOPAL FUND, OR FUNDS.

[Pamphlet Laws, 1860, page 76.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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 county; John Kean, of Union township, Union county; William N. Wood, of Morristown, Morris county; Anthony Q. Keasby, 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 February 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.

2. *And be it enacted*, 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 required, 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.

3. *And be it enacted*, 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 concurring 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.

4. *And be it enacted*, 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.

5. *And be it enacted*, 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.

6. *And be it enacted*, 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.

7. *And be it enacted*, That all vacancies occurring in the board of trustees, shall be filled by the Diocesan Convention at their next annual meeting thereafter.

Approved February 14, 1860.

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[Pamphlet Laws of 1862, page 221.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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 under the control of, the Convention or other Ecclesiastical authority of the Protestant Episcopal Church in the Diocese of New Jersey, and for 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.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1862.

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[Pamphlet Laws of 1871, page 1222.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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.

2. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately.

Approved April 4, 1871.

[Pamphlet Laws of 1874, page 959.]

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.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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. *And be it enacted*, That "The Trustees of the Episcopal Fund of the Diocese of New Jersey" shall have power to re-

ceive, 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.

3. *And be it enacted*, That the proviso in the first section of the act to which this is a supplement is hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

## INCORPORATION OF PARISHES.

[Revision, page 958. Sup. to Rev., 863.]

An act to incorporate trustees of religious societies.

1. That every religious society or congregation of Christians entitled to protection in the free use of their religion by the constitution and laws of this State, are hereby authorized to assemble at their usual place of meeting for public worship, at any time by them to be agreed upon, giving at least ten days' notice of the time and purpose of assembling, by an advertisement set up in open view at or near such place of meeting; when so assembled may, by plurality of voices of such of the said society or congregation who regularly contribute to the support of such society or congregation, male and female over twenty-one years of age, as are present, elect any number of the said society or congregation to be trustees; which said trustees and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume, agreeably to the directions of this act.

2. The said trustees, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be instantly to record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

3. The said trustees and their successors shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, legacies, donations, moneys, goods and chattels in trust for the use of said society or congregation, to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

4. For perpetuating a line of succession in the trustees of every religious society or congregation, it shall and may be lawful for the members of the said society or congregation to assemble at any time they may think proper, giving notice thereof as hereinbefore is directed for the election of the first trustees, or for the election of any other trustee or trustees, in the stead of those or any of those before elected, in case they see cause for the removal of the said trustees; *provided*, such removal

shall not be in less than one year after his or their election into office; and also to fill up the vacancy which may be occasioned by the death or resignation of any trustee, or his moving out of the limits of the said society or congregation.

5. Such corporation may elect annually, or oftener if necessary or expedient, one of their number to be their president, who is hereby empowered to convene the said corporation as occasion may require; and preside at the meetings thereof, and execute all contracts, and in case of his absence, sickness, death, resignation, refusal to act, or moving out of the limits of the said religious society or congregation, then the said office of president shall devolve on the senior trustee, for the time being, who shall occupy the same until the return or recovery of the president, or the election of another.

6. Such corporations may elect annually, or oftener if necessary or expedient, one of their own members to be secretary, who shall keep the minutes and enter the orders, acts and proceedings in a book to be kept for that purpose, and who shall have the custody of the common seal and the papers, deeds, writings, documents and books of or relating to the said corporation; and upon application to the secretary, any member of the said religious society or congregation shall have free access to all the papers, deeds, writings, minutes, documents and books of or belonging to the said corporation; and upon the death, resignation, removal or expiration of the office of secretary, or election of a new one, the common seal and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to his successor in office, on the oath of the preceding secretary, or in case of his death, on the oath of his executors or administrators, under such pecuniary penalty as said corporation shall have previously fixed, to be recovered with costs by action of debt in the name and for the use of the corporation.

7. At the said annual or other election it shall and may be lawful for such corporation to elect one of their own members to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts and disbursements of the same, and at each annual election for officers of said corporation, render to said religious society a true statement in writing of the receipts and disbursements of the said corporation for the preceding year; and upon the death, resignation, removal or expiration of the office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation, shall be delivered to his successor in office.

8. It shall be lawful for any religious society in this State, however incorporated, to purchase and hold, and also to convey and dispose of any real estate which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same 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 tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men; any conveyance or agreement by and between any religious corporations, intended for the purposes aforesaid, by or under the authority of such corporations now made or hereafter to be made, is hereby declared to be valid and effectual in law; the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law.

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[Revision, page 960.]

12. *Whereas*, some religious societies have held property under charters of incorporation granted by the government of Great Britain, previous to the Revolution, and doubts may arise whether such estate, so held, will descend and vest in the corporation created under the laws of this state; *therefore, be it enacted*, that all the estate, real and personal, held in fee or otherwise, in consequence of any charter granted as aforesaid, shall be vested in and held by the corporation that may have been created in place thereof, in consequence of the act passed the sixth day of March, in the year of our Lord seventeen hundred and eighty-six, or the supplement thereto passed the twenty-fifth day of November, in the year seventeen hundred and eighty-nine, although no transfer of such property shall have been made by the trustees incorporated by such charter to the trustees of the corporation created under the said laws, anything in such charter or in any law to the contrary notwithstanding.

[Revision, page 962.]

#### Protestant Episcopal.

27. The wardens and vestrymen for the time being of every Protestant Episcopal Church, not specially incorporated, shall be trustees of the same, and a body corporate and politic in law, by such name as the trustees shall assume, in manner mentioned in the second section of this act.

28. It shall and may be lawful for the said Protestant Episcopal Churches not incorporated under this act, or any of them,

to avail themselves of the provisions of the next preceding section of this act, on the certifying their intention so to do, to the clerk of the court of common pleas of the county in which said church or churches may be situate; and it shall be the duty of said clerk instantly to record the same.

29. When any congregation of the Protestant Episcopal Church, in this state, duly organized according to the constitution and usages of said church, desire to form themselves into a body corporate, notice shall be given of such intention ten days previously, by an advertisement set up in open view, at or near the place where such congregation usually assemble for divine service, designating the day when and the place where they design to meet for that purpose.

30. The congregation having met at the time and place appointed, the rector or minister, or if there be no rector or minister, or if he be necessarily absent, one of the church wardens or vestrymen shall preside at the meeting, and the secretary of the vestry shall record the proceedings of the meeting; the congregation shall then proceed by a vote of the majority of those present, to designate the corporate name or title by which the church shall be known, which shall be in the manner and form as follows: "The rector, wardens and vestrymen of —— church, in ——;" the congregation shall then choose two wardens, and not more than ten nor less than five vestrymen; and also fix and determine the day, annually, on which new elections of officers shall take place; a certificate of these proceedings, under the hands and seals of the president and secretary of the meeting, shall be transmitted to the clerk of the court of common pleas of the county, whose duty it shall be to record the same, for which he shall be entitled to receive the usual compensation for similar service.

31. The rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions, and with the same rights, powers and privileges, as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided, nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen.

32. The rector, wardens and vestrymen, and their successors, or a majority of them, may make such rules, by-laws and ordinances, and do everything needful and requisite for the good government and support of the church; all of which shall be entered in a book to be provided and kept for that purpose; *provided*, that the said rules, by-laws and ordinances shall not be repug-

nant to the constitution and laws of this state or of the United States.

33. The qualifications of voters at the annual elections shall be conformable to the constitution and principles of the Protestant Episcopal Church in New Jersey.

34. The rector, wardens and vestrymen shall choose a treasurer, who, when called upon for that purpose, shall render a true and just account to the corporation of all moneys by him received and expended, and pay over the balance which may remain in his hands at the time of settlement, to his successor in office.

35. When a vacancy shall occur in the office of minister or rector, by death, removal, or otherwise, the said wardens and vestrymen, (two-thirds of them concurring in the choice,) may choose some fit person duly qualified to act as minister or rector of said church, agreeably to the constitution of the Protestant Episcopal Church of the United States of America; and the minister or rector so chosen shall preside at all meetings of the wardens and vestrymen, and have a casting vote, except the business or question to be decided has relation to the personal interests of said minister or rector; *provided*, in the absence of the president, the wardens and vestrymen may choose a president *pro tempore*.

36. It shall and may be lawful for any Protestant Episcopal Church in this state, heretofore incorporated, to embrace the privileges of this act, by compliance with and adopting its provisions.

37. Whereas, the legislature of New Jersey, by an act passed on the seventeenth day of February, anno domini eighteen hundred and twenty-nine, granted to Episcopal congregations the privilege of becoming incorporated, according to the "constitution, usages and customs, of the Protestant Episcopal Church" in this state, and did not require any oath to be taken or subscribed by the wardens and vestrymen of such churches; and whereas, under the present revised statutes, doubts have arisen whether the wardens and vestrymen of Episcopal Churches are not required to take and subscribe the oaths specified in the act to incorporate religious societies which provision would occasion great inconvenience, and be entirely "inconsistent with the constitution, usages and customs of the Protestant Episcopal Church in this state," therefore, the wardens and vestrymen of the Protestant Episcopal Churches, now incorporated, or hereafter to be incorporated in this state, shall not be required to take or subscribe the oaths specified in the thirty-fourth section of the act entitled "An act to incorporate trustees of religious societies," approved April

seventeenth, eighteen hundred and forty-six; and that the acts and proceedings of the wardens and vestrymen of such Episcopal Churches as have omitted to take and subscribe such oaths shall be, and are hereby declared to be as valid and effectual in law as if such oaths had been previously taken and subscribed.

\* \* \* \* \*

38. It shall be lawful for every religious corporation which has been created by act of the legislature, or by letters patent, to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, of the yearly value of two thousand dollars, although such act or letters patent contain a restrictive clause limiting the annual revenue and income of the said corporation to a less sum.

[Supplement to Revision, page 856.]

A Supplement to an act entitled "An act to incorporate trustees of religious societies," (revision), approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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 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.

NOTE.—This Section 1, as given above, is as amended by act approved March 6, 1886, P. L., p. 67. Supplement to Revision, page 857.

2. *And be it enacted*, 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.

3. *And be it enacted*, 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 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. *And be it enacted*, 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.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

[Supplement to Revision, page 860.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any congregation of the Protestant Episcopal Church in this state, which shall have become incorporated in accordance with the provisions of the act to which this is a supplement, and shall have filed a certificate thereof, therein stating the number of vestrymen to be elected for such congregation, as required by section thirty of said act, shall be desirous of increasing or decreasing the number of said vestrymen, it shall be lawful for said congregation to do so, by a majority vote of those present at any annual election, notice of such contemplated action having been given for the time and in the manner designated in section twenty-nine of said act; *provided*, that no church shall have more than ten nor less than five vestrymen; a certificate of the proceedings of the meeting, and of such change, under the hands and seals of the president and secretary, shall be transmitted to the clerk of the court of common pleas of the county for record, and shall thereafter be considered a part of the act of incorporation of such congregation.

2. *And be it enacted*, That any property, rights, or estates, heretofore acquired by any such corporation, shall be in no wise changed, diminished, or defeated by such increase or decrease in the number of its vestrymen.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

[Supplement to Revision, page 864.]

Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, eighteen hundred and seventy-five.

WHEREAS, it frequently happens that conveyances of real estate are made to religious societies or corporations, in the deeds whereof the corporate name or designation of such religious societies or corporations, through error or misapprehension of the grantor, are not correctly stated;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a conveyance of any real estate is made to any religious society or corporation, incor-

porated 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 description 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 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. *And be it enacted*, 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.

3. *And be it enacted*, That it shall be lawful for any religious society or corporation, by the votes of two-thirds of all the members of such society or corporation, at a meeting called for the purpose in the manner that meetings of such society or corporation are called, according to the form of government thereof, to change the name of such society or corporation; and upon the filing of a certificate of such action, verified by the affidavit of any duly authorized officer of such society or corporation, setting forth the change of name so determined upon, with the clerk or register of the county wherein such society or corporation is situate, it shall be the duty of such clerk or register to file such certificate in his office and to record the same in the book referred to in the first section of this act, and thereafter

such society or corporation shall be known by the name determined upon as aforesaid and set forth in such certificate; but the said society or corporation shall be entitled to the same rights and privileges and be subject to the same responsibilities as if no such change of name had been made.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 9, 1877.

[Supplement to Revision, page 866.]

An act respecting religious societies incorporated under special acts.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in the election of the trustees of any religious society incorporated by special acts, it shall not be necessary as a qualification for such election that such trustees shall be members of the church in which such corporation exists; *provided, always*, that they are attending members of the congregation and contribute to the support of the church of which they may be elected trustees; *and provided also*, that at least a majority of the trustees elected shall be members of such church in good and regular standing.

Approved March 14, 1879.

[Supplement to Revision, page 866.]

An act to enable trustees of religious societies in incorporated towns, boroughs and cities, to remove the bodies buried in church-yards to cemeteries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of any religious society in any incorporated borough, town or city in this state shall and may have the right and privilege to remove, or cause to be removed, any body or bodies buried in or upon the grounds belonging to any such religious society from such grounds or church-yards; *provided*, there is a cemetery under the control of a legally incorporated cemetery association in or near such incorporated borough, town or city; *and provided further*, that no trustee or trustees of any religious society shall remove, or cause to be removed, any body or bodies buried in or upon the grounds granted to any religious society for the use and purpose of a burying ground.

2. *And be it enacted*, That no trustees of any religious society shall remove, or cause to be removed any body or bodies from their grounds under the provisions of this act unless they shall, prior to the removal of such body or bodies, procure a proper and suitable place in any cemetery for re-interment, and in the removal of any body or bodies under the provisions of this act, such trustees shall cause such bodies to be conveyed to a cemetery and buried in a careful manner; and where any tombstones have been erected on or over the graves of any body or bodies removed under the provisions of this act, the trustees causing the removal of such body or bodies, shall cause such tombstones to be re-erected over or on the graves in the cemetery to which such bodies shall be removed; any trustee or trustees who shall violate the provisions of this section in removing any body or bodies as herein provided for, shall forfeit the sum of one hundred dollars, which penalty shall be collected by the overseer of the poor of any incorporated borough, town or city, in an action of debt, for the use of the poor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

[Supplement to Revision, page 861.]

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.)

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any parish in this State in which a vacancy or vacancies may occur in the office of warden or vestrymen, by death, removal, resignation or other cause, to fill such vacancy or vacancies by an election to be held for that purpose after ten days' notice of such election; which election shall be held at the place appointed for holding the annual parish elections, and shall be for the unexpired term only.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1883.

[Supplement to Revision, page 865.]

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 division of church property.

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 law 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.

Approved March 25, 1885.

[Pamphlet Laws, 1887, page 121.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, 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. *And be it enacted*, 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.

3. *And be it enacted*, That from and after such change said 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. *And be it enacted*, 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.

Approved April 1, 1887.

[Pamphlet Laws, 1889, page 37.]

An act to amend an act entitled "An act to authorize the sale of church property and vesting a valid title thereto in the purchaser free from uses for church purposes," approved April fifth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated religious society, by its trustees, consistory, or other board or persons managing the temporalities of such religious society, be and they are hereby authorized to sell and convey, in fee simple or otherwise, any lands, premises, and real estate owned by them, together with the appurtenances, and to execute and deliver good and sufficient deeds of conveyance therefor, or for any part thereof, to the purchaser or purchasers of the same, and that every such deed or deeds of conveyance shall be good and effectual in law; *provided*, that the said sale shall have been duly authorized at a meeting of the said religious society, by the vote of two-thirds of those present at such meeting; *and provided further*, that said meeting shall have been duly and legally called.

2. *And be it enacted*, That this act shall take effect immediately. Passed February 27, 1889.

NOTE.—See Act of March 31, 1890. Pamphlet Laws, 1890, page 156, (page 58).

[Pamphlet Laws, 1889, page 99.]

A supplement to the act entitled "An act to authorize the sale of church property, and vesting a valid title thereto in the purchaser free from uses for church purposes," approved April fifth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated religious society, owning or holding the title to any lands, premises or real estate in trust or on condition that the same shall be used for church purposes, may, by its board of trustees, consistory or other board managing its temporalities, alone and without a vote of the members of the society, sell and convey, and it is hereby authorized and empowered to sell and convey, in fee-simple or otherwise, such lands, premises and real estate, or any part thereof, with its appurtenances, freed and discharged from such trust or condition, and the deed therefor shall convey to the purchaser a title good and effectual in law, free from such trust or condition, and the grantee or grantees shall take the property so freed and discharged accordingly; *provided*, the donor or donors by whom such trust was created or condition imposed shall have discharged the property or such society from such trust or condition, or shall consent to such conveyance free from such trust or condition.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1889.

[Pamphlet Laws, 1889, page 111.]

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any corporation of this state, incorporated for religious, educational or benevolent purposes, shall, by its charter or any supplement thereto, or otherwise, be limited in the amount or value of real or personal property which it may acquire, have, hold and enjoy for the use and purposes of such corporation, and the board of trustees, directors or managers of such corporation shall desire to obtain for such corporation legal capacity to acquire, have, hold, use and enjoy a larger amount than that to which it is or shall be so limited, that it shall be lawful for such trustees, directors or managers at

any stated meeting of said board, and from time to time, to adopt by vote of a majority of the whole number of such trustees, directors or managers, a resolution declaring their desire to have the amount so enlarged, and stating the amount to which it is to be so increased, and to cause a copy of such resolution, authenticated and verified as by this act directed, to be filed in the office of the secretary of state.

2. *And be it enacted*, That the copy of the resolution authorized by the first section of this act to be filed with the secretary of state, shall be certified and authenticated under the common seal of said corporation, and shall be verified by the oath of the clerk or secretary of said corporation that the seal affixed to said copy is the common seal of said corporation, that the said copy is a true copy of the original resolution as recorded on the minutes of said board, and that it was passed as directed in the first section of this act.

3. *And be it enacted*, That on filing said copy of such resolution in the office of the secretary of state, it shall be thereafter lawful for the said corporation to take and receive by gift, grant, devise, bequest or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation any real or personal estate not exceeding the increased amount named in said resolution, any provision of the charter of said corporation, or any supplement thereto, to the contrary notwithstanding.

4. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 27, 1889.

[Pamphlet Laws, 1890, page 43.]

An Act relating to the consolidation or union of religious societies of the same denomination.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two incorporated religious societies of the same denomination shall have heretofore agreed, or shall hereafter agree, with the approval of the presbytery, classis or other like governing religious body of their denomination within whose jurisdiction they are located, to consolidate or unite their two societies into one, it shall be lawful for the boards of trustees or other like bodies of the two societies to make, under their respective seals, with the signature of the president of each, and attested by the secretary, a certificate that such two societies have consolidated or united, giving also the name which they

have selected for the new organization, and transmit the same to the clerk of the court of common pleas of the county in which they are located, whose duty it shall be instantly to record the same, and thereupon the said two societies shall become consolidated or united into one corporation under the name so selected, and the new corporation shall be entitled to, and invested with, all the property, real and personal, and assets, rights, privileges, powers and franchises belonging to either of the two societies so consolidated or united, but subject to all the debts and liabilities of each, and to the terms of the agreement under which such consolidation or union was made.

2. *And be it enacted*, That from the time of the consolidation or union as aforesaid, the new corporation shall possess and exercise all the powers, rights, privileges and franchises which any religious society of like denomination may possess and exercise when incorporated under the existing laws of the state.

2. *And be it enacted*, That this act shall take effect immediately.  
Approved March 5, 1890.

[Pamphlet Laws, 1890, page 156.]

An Act to authorize the Sale or Mortgaging of Church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any incorporated church or religious society, by its trustees or other board managing the temporalities of said church or religious society, to sell and convey in fee simple, or by way of mortgage or for any other estate, any or all real estate owned by such religious society in fee simple, and make and give all necessary conveyances therefor; *provided*, that any such sale be first duly authorized at a regular or special business meeting of the members of such church or religious society.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 31, 1890.

(NOTE.—That this act refers only to lands held in fee simple, and see Act of Feb. 27, 1889, ante page 55.)

[Pamphlet Laws, 1891, page 320.]

A] Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

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 of any Protestant Episcopal church, or in case the church be without a minister or rector, then for the said wardens and vestrymen, or for the wardens and vestrymen for the time being, of any Protestant Episcopal church who are trustees of the same, to alien, grant, assign, demise, let or mortgage any real church property, without the previous written consent of the bishop and a majority of the standing committee of the diocese within which such real church property may be situated, or in case of a vacancy in the office of bishop, or of his absence from said diocese, then of a majority of the standing committee thereof; which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance, and without such consent the alienation, grant, assignment, demise, lease or mortgage shall be null and void.

2. *And be it enacted*, That this act shall take effect immediately.  
Approved April 4, 1891.

OPINION OF THE CHANCELLOR OF THE DIOCESE RELATIVE TO  
ALIENATIONS OF CHURCH PROPERTY.

Camden, N. J., June 9, 1891.

By an act, passed 1890, Pamphlet Laws, p. 156, sales and mortgages of church property must be authorized by a meeting of members; and all inconsistent acts are repealed.

By an act of 1891, Pamphlet Laws, 320, the old law requiring consent of the Bishop and Standing Committee was re-enacted.

The combined effect of these acts, with the common law of trusts, is that there can be no sale, or mortgage, of church property without the concurrence of the three interested parties.

1. A meeting of the members representing the *cestui qui* trust.

2. The Corporation, "Rector, Wardens, and Vestrymen," as trustees.

3. The Bishop and Standing Committee representing the Diocese.

C. G. GARRISON.

**HOSPITALS.**

[Supplement to Revision, page 372.]

An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions.

Approved March 9th, 1877.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more persons of full age, a majority of whom shall be citizens of and residents within this state, who shall desire to associate themselves together for the purpose of the care, cure, nurture or maintenance of sick, injured, infirm, aged, indigent, deaf, dumb, blind, idiotic or insane persons, or of orphans, half orphans or destitute children, or for any two or more of such purposes combined, may make, record and file a certificate, in writing, in manner hereinafter mentioned.

2. *And be it enacted*, That such certificate in writing shall set forth—

I. The name or title assumed to designate such association.

II. The place or places in this state where the purposes of such association are to be carried out.

III. The purposes for which the association shall be formed.

IV. The names of the governors or directors who shall manage its affairs for the first year of its existence.

3. *And be it enacted*, That such certificate shall be proved or acknowledged and recorded, as required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation, in the office of the clerk of the county where the principal purposes of such association are to be carried out, and after being so recorded shall be filed in the office of the secretary of state; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places.

3. *And be it enacted*, That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate, in fact and in law, by the name stated in such certificate, and by that name they and their successors shall have perpetual succession, and power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to use at pleasure, and to purchase and take, have, hold, receive and enjoy, any lands, tenements or hereditaments, in fee simple, or otherwise, and any goods, chattels, or property of any description, real or per-

sonal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell or otherwise dispose of, for the purposes of said association.

5. *And be it enacted*, That the governors or directors of such association shall have power, from time to time, to make, alter, and amend by-laws, not inconsistent with the constitution or laws of the United States or of this state, fixing and altering the number of its governors or directors for the management of its property, and the regulation and government of its affairs, and providing for the classification of and the mode of increasing or perpetuating the governors or directors of the association, and the mode of filling vacancies in, and removing any member from their number, and prescribing qualifications for membership of the association, and to appoint one or more superintendents or managers, and such other agents and officers, as shall in their judgment tend to promote or advance any purpose of the association, and to prescribe their expected duties.

6. *And be it enacted*, That no governor or director of any association organized under this act, shall receive, directly or indirectly, any salary or emoluments from such association, nor shall any compensation whatever be voted, allowed, or paid by the governors or directors thereof to any governor or director for services, either as governor or director, or in any other capacity.

7. *And be it enacted*, That the property and effects of any association organized under this act, and held for its purposes to an amount not exceeding five thousand dollars, shall not be liable to the imposition of any taxes.

#### AN ACT CONCERNING HOSPITALS.

Approved April 20, 1885.

8. SEC. 1. That the affairs and management of the property and concerns of any corporation of this state incorporated under any general law of this state, or by a special charter, and including among the objects of its incorporation the care, nurture and maintenance of the sick, infirm, aged, and indigent persons and orphans, half-orphans and destitute children, may be conducted by a council or governing body consisting of residents of any county of this state; *provided*, that nothing herein contained shall change the title of such governing body or the number of individuals to compose such body.

AN ACT TO FURTHER PROVIDE FOR FILLING VACANCIES CAUSED BY DEATH OR RESIGNATION IN THE BOARDS OF TRUSTEES OF INCORPORATED HOSPITALS.

Approved March 30, 1886.

9. SEC. 1. That vacancies caused by death or resignation of members of the boards of trustees of any incorporated hospital in this state, whose boards are now authorized to fill such vacancies, may hereafter be filled by a vote of a majority of the members constituting a quorum of such boards for the transaction of other business.

10. SEC. 2. That so much of any act as is inconsistent with the provisions of this act be and the same is hereby repealed.

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*Note.* AN ACT IN RELATION TO INCORPORATED HOSPITAL ASSOCIATIONS.

Approved March 16, 1887.

[Pamphlet Laws, 1887, page 25.]

Authorizes a change of name of such hospitals.

## FORMS

FOR THE

Organization of a New Parish, or the Erection  
of a New Church or Chapel

IN THE

## DIOCESE OF NEW JERSEY.

## I.

## ORGANIZATION OF A NEW PARISH.

Call a meeting of those desiring such organization ; at which choose a President and Secretary, and then adopt the following

## PREAMBLE AND DECLARATION :

"At a meeting of sundry residents of the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, Diocese of New Jersey, held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189-, \_\_\_\_\_ was called to the chair, and \_\_\_\_\_ appointed Secretary ; there was then presented, and adopted, the following

## DECLARATION :

- " 1. That the name of said parish shall be (name it) \_\_\_\_\_.
- " 2. That the said parish, its Rector and Vestry (*or Trustees, if organized with Trustees*) shall at all times adhere to the Doctrines, Discipline, and Worship of the Protestant Episcopal Church in the United States, and the laws of the State, of New Jersey.
- " 3. The said parish shall at all times be subject to the spiritual jurisdiction of the Bishop of the Diocese of New Jersey ; or, in case of a division, to that of the Bishop within whose jurisdiction it may come.
- " 4. The said parish (*whether organized with Trustees, or with a Vestry,*) will apply so soon as possible after its incorporation, for admission into union with the Convention of the Diocese ; and will become subject to the Constitution and Canons thereof."

Having adopted the foregoing, let it be signed by the President and Secretary, and then record the same in a book of minutes. Then prepare a request to the Bishop, which is to be signed by as many of the persons present as may be convenient, and is to be in form following, viz.:

“Right Reverend \_\_\_\_\_, New Jersey,  
\_\_\_\_\_, 189-.

“BISHOP OF THE DIOCESE OF NEW JERSEY.

“The undersigned desire your consent to the organization, at this place, of a New Parish in connection with the Protestant Episcopal Church in the Diocese of New Jersey to be called \_\_\_\_\_ Church. (State other particulars as to proposed locality of the Church.)

“We forward herewith the Declaration required by Sec. I. of Canon IV., Title II., of the Canons of the Diocese of New Jersey.” (Signed),

A. B. \_\_\_\_\_,  
C. D. \_\_\_\_\_.

Forward all of said papers to the Bishop.

If consent is given, it will be forwarded, by the Bishop, to the applicants; and, when received, copy said request and consent into the Book of Minutes.

Then call another meeting, at which elect two Wardens, who must be communicants, and not less than five nor more than ten Vestrymen.

Upon such election the Ecclesiastical Organization of the parish will be complete.

The Vestry should then organize, and elect a Secretary.

Then proceed to incorporate in the manner following, viz.:

## II.

### MODE OF INCORPORATING A PARISH.

The Congregation having been duly organized, as before described, shall give notice of their intention to form themselves into a body corporate, ten days previously, by an advertisement set up in open view at or near the place where they usually assemble for Divine Service, and in the following form:

#### NOTICE TO INCORPORATE.

Notice is hereby given to the members of \_\_\_\_\_ Church in \_\_\_\_\_ and to those who desire to associate themselves with said Church, that a meeting will be held in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, at the house of \_\_\_\_\_, for the purpose of taking measures necessary to incorporate the Church, agreeably to “*An Act to Incorporate Religious Societies.*” Approved April 17, 1846.

Dated, &c., [To be signed by the Minister or Warden.]

The Congregation having met at the time and place appointed, the Rector or Minister, or if there be no Rector or Minister, or he be necessarily absent, one of the church wardens or vestrymen shall preside, and the Secretary of the Vestry shall record the proceedings. The Congregation shall then proceed by a majority of those present, (1) To designate the corporate name or title by which the church shall be known, in manner and form as follows: "The Rector, Wardens and Vestrymen of \_\_\_\_\_ Church, in \_\_\_\_\_." (2) Then choose two Wardens, and not more than ten nor less than five Vestrymen. (3) And fix the day, annually, on which new elections of officers shall take place. A certificate of these proceedings, under the hands and seals of the President and Secretary of the meeting, shall be transmitted to the clerk of the Common Pleas of the county, whose duty it shall be to record the same, the Certificate being as follows:

CERTIFICATE OF INCORPORATION.

To all whom these presents may concern: We, whose names and seals are hereunto affixed, do certify, That the Congregation of \_\_\_\_\_ church in \_\_\_\_\_, in the county of \_\_\_\_\_ and State of New Jersey—which is a religious society worshipping according to the customs and usages of the Protestant Episcopal Church—desiring to form themselves into a body corporate, according to the Act of the Legislature of the State of New Jersey, in such case made and provided, met in \_\_\_\_\_ church aforesaid, in the said town of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, pursuant to ten days' previous notice, given as to the intention of the said congregation to form themselves into a body corporate, by an advertisement set up in open view on the outer door of the said church, (or as the case may be), it being the place where the said congregation usually assemble for divine service, which notice designated the day when, and the place where, they designed to meet for that purpose; the Rector or Minister (or if none, say, *There being no Rector or Minister*, \_\_\_\_\_, Esq., one of the Church Wardens), of the said church, presided, and \_\_\_\_\_, Secretary of the Vestry, recorded the proceedings.

The congregation then proceeded, by a vote of a majority of those present, to designate the corporate name or title by which the said church shall be known, and which is, "The Rector, Wardens and Vestrymen of \_\_\_\_\_ church in \_\_\_\_\_." The congregation then chose \_\_\_\_\_, Wardens, and (not less than five nor more than ten) \_\_\_\_\_ Vestrymen; and also by a majority of voices fixed and determined on Tuesday (or other day), in the week called Easter Week, (or any other day,) annually, as the day on which new elections of officers of the said church shall take place. In testimony whereof, and in order that these proceedings may be recorded, we, the Rector (Minister or

Church Wardens) and Secretary aforesaid, have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, &c.

Upon said certificate being recorded by said clerk, the incorporation is complete.

### III.

If consent to the erection of a new Church or Chapel, except upon the site of a previously existing Church or Chapel, is desired, let the Minister, Wardens and Vestry (or Trustees) send a written request to the Bishop in form following, viz. :

“To the Right Reverend \_\_\_\_\_, New Jersey,  
\_\_\_\_\_, 18—.

“BISHOP OF THE DIOCESE OF NEW JERSEY :

“It is purposed by the Minister, Wardens and Vestry of the Parish of \_\_\_\_\_ to erect a new Church or Chapel at (describing the locality particularly), and your consent thereto is hereby asked.”

Attest :

\_\_\_\_\_,  
Secretary of the Vestry.

\_\_\_\_\_,  
Minister (or Rector.)

If the Bishop gives consent, the erection may be proceeded with.

### ADMISSION INTO UNION WITH THE CONVENTION.

A Parish organized and incorporated, and desiring admission into union with the Convention, should elect deputies or appoint other persons to make application to the Convention for admission in the following forms :

*To the Convention of the Diocese of New Jersey :*

We, the undersigned [Deputies elected according to the Canon, or persons appointed by the congregation] do hereby in the name and behalf of \_\_\_\_\_ church \_\_\_\_\_, request of this Convention the admission of said church into union with the Convention of the Diocese of New Jersey, and herewith produce and lay before the Convention the \*Canonical Documents required by the Constitution, as conditions precedent to the admission.

\*For the documents to be produced to the Convention (five in number), see Article V. of the Constitution.

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D.

\_\_\_\_\_  
\_\_\_\_\_

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## MARRIAGE LAWS, AND FORMS.

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So far as these laws relate to those who perform the ceremony of marriage, it is only needful to say that neglect on the part of those solemnizing marriage to certify the same, as the law requires, not only incurs the penalty imposed for such neglect, but often causes great inconvenience in securing evidence as to questions of legal validity of such marriage. It is the right of each married person to have this recorded evidence besides the need of these returns in the study of social conditions and of the moral as well as the civic welfare of society. Those in charge of the various religious bodies, at their annual, semi-annual or quarterly meetings, should not fail to call attention to this duty of monthly report; and to the breach of law and ethics which the oversight involves.

A prompt return of the certificate to the city clerk, or, in townships, to the assessor, is indispensable. Under the laws of this state, the person performing the marriage ceremony may administer the oath as to age, if there is doubt, but the signatures of the parties to the form on the back of the certificate, that they are of lawful age, is also available.

[Revision of Laws, page 631.]

## AN ACT CONCERNING MARRIAGES, BIRTHS AND DEATHS.

## I. Who may not Marry.

1. That no man or woman shall intermarry within the degrees hereafter named, that is to say:

No man shall marry his

Grandmother,	Daughter's son's wife,
Grandfather's wife,	Mother,
Wife's grandmother,	Stepmother,
Father's sister,	Wife's mother,
Mother's sister,	Daughter,
Son's wife,	Wife's daughter,
Sister,	Wife's son's daughter,
Son's daughter,	Wife's daughter's daughter,
Daughter's daughter,	Brother's daughter,
Son's son's wife,	Sister's daughter.

No woman shall marry her

Grandfather,	Daughter's husband,
Grandmother's husband,	Brother,
Husband's grandfather,	Son's son,
Father's brother,	Daughter's son,
Mother's brother,	Son's daughter's husband,
Father,	Daughter's daughter's husband,
Stepfather,	Husband's son's son,
Husband's father,	Husband's daughter's son,
Son,	Brother's son,
Husband's son,	Sister's son.

## II. Who may Solemnize Marriage.

[Supplement to Revision, page 443.]

A Supplement to an act entitled "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four.

2. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the second section of "An act concerning marriages, births and deaths," approved March twenty-

seventh, in the year one thousand eight hundred and seventy-four, be amended so that the said second section of said act shall read as follows: 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 in this state may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong.

### Marriage of Minors.

3. *And be it enacted*, That no justice of the peace, minister of the gospel, or other person having, or pretending to have, authority to join persons together in the holy bonds of matrimony, shall marry any male under the age of twenty one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present and give consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate of consent, in writing, under the hand of the parent or parents, guardian or guardians, or if such minor so applying to be married have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be; and if any certificate be produced as aforesaid, the same shall be proved to be genuine by the oath or affirmation of at least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto, which oath or affirmation may be administered by any justice of the peace, minister of the gospel, or other person authorized to solemnize marriages as aforesaid, and shall be entered upon the back of said certificate of consent; and if the person called upon to solemnize any marriage shall suspect that any male applying to be married is under the age of twenty-one years, or that any female applying to be married is under the age of eighteen years, and no consent of the parent or parents, guardian or guardians, or person or persons under whose care and government such male or female may be, shall be obtained as hereinbefore directed, he shall administer to such male or female or both, as the case may require, an oath or affirmation that such male is of the full age of twenty-one years, and that such female is of the full age of eighteen years, which oath or affirmation shall be entered upon the back of the certificate of

P. Laws of  
1889, p. 139.

No person shall solemnize marriage of minor, unless by consent of parents, &c., in writing.

Minor may be sworn.

Oath to be entered on back of certificate.

marriage required by law to be made by the person solemnizing such marriage, and shall be his justification should the parties so married, or either of them, deceive him as to his or her age.

Penalty for  
marrying  
minors  
without  
consent.

4. If any \* \* \* Minister of the Gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any minor or minors, without the consent of the parent or parents, guardian or guardians, or person or persons having the care and government of such minor or minors, had and obtained according to the directions of this act, and contrary to the true intent and meaning thereof, every such \* \* \* Minister of the Gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall, for every such offence, forfeit three hundred dollars, to be recovered in an action of debt on information in any court of record of this state, by the parent, guardian or person having charge of such minor as shall be so joined in marriage as aforesaid, the one-half of the said forfeiture to be paid to the Treasurer of the State, for the use of the State, and the other half to be for the use of the parent, guardian or other person having charge of such minor, who shall prosecute the same to effect.

P. L., 1889,  
p. 139.

Marriage of  
minor to be  
registered  
in a book,  
&c.

5. *And be it enacted*, That every justice of the peace, minister of the gospel, or other person having, or pretending to have, authority to join persons in marriage, who shall marry any minor or minors by virtue of a certificate of consent had and proved as above directed, shall register the same, or cause it to be registered, in a book by him to be kept for the purpose of registering marriages, and shall attach the original certificate of consent to the certificate of marriage by him required to be made, and shall transmit the same, with said certificate of marriage, to the officer to whom by law he is required to transmit the certificate of marriage, to the end that the same may be forwarded to and filed with the state bureau of vital statistics.

NOTE.—See form of certificate and oath at end of these laws.

[Pamphlet Laws, 1877, page 214.]

An act to amend an act entitled "A supplement to the act entitled 'An act concerning marriages, births and deaths,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April seventeenth, one thousand eight hundred and seventy-six.

(6.) 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That section one of the supplement to which this act is amendatory, which section reads as follows, to wit: "That in any county of this state in which there is now established by law a county board of health and vital statistics, the returns of births, deaths and marriages now required to be made by ministers of the gospel, physicians and other persons, shall hereafter be made to said board of health and vital statistics only, and in no other manner whatever; and it shall be the duty of the clerk of such board to make annual returns of such births, deaths and marriages to the secretary of state, for which the same fees shall be allowed and paid to the said clerk as are now allowed by law," be, and the same is hereby amended so as to read as follows: That in any county of this state in which there is now established a county board of health and vital statistics, the returns of births, deaths and marriages now required to be made by ministers of the gospel, physicians and other persons, shall hereafter be made by such persons to said board of health and vital statistics only, and in no other manner whatever; and it shall be the duty of the clerk of such board to make annual returns of such births, deaths and marriages to the secretary of state, for which services in making such returns there shall be allowed and paid to said clerk by the board of chosen freeholders of such county, five cents for each and every name returned, upon production of a certificate from the secretary of state of the receipt by him of such returns.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

Returns of marriages shall be made to county board of health, &c.

IV. Records of Marriages.

[Supplement to Revision, page 443.]

An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof.

P. L., 1888, p. 52.

Persons authorized to solemnize marriage shall transmit marriage certificate within thirty days.

What the certificate shall set forth.

Penalty for failure.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of every \* \* \* minister of the gospel, \* \* \* who shall, under the authority of any law of this state, solemnize any marriage therein, and the clerk or keeper of the minutes of any religious society before which any marriage shall be solemnized in this state, to transmit to the officer hereinafter designated, within thirty days after such solemnization, a certificate of each and every marriage solemnized by any such minister, \* \* \* or before any such religious society, which certificate shall set forth particularly the name, age, parentage, birthplace, occupation and residence of each of the persons married, the time and place of the marriage, the condition of each of the persons married, whether single or widowed, the name of the minister, \* \* \* by whom, or of the religious society before which the marriage was solemnized, and the names and residences of the witnesses; any minister, \* \* \* or clerk or keeper of the minutes of any religious society, who shall neglect or fail to transmit such certificate to the officer hereinafter designated, within the time aforesaid, shall be liable to a penalty of twenty dollars.

\* \* \* \* \*

P. L. 1888, p. 52.

Penalty for making false certificate, &c.

(2.) 6. And be it enacted, That any person who shall knowingly make any false certificate, statement or receipt, relative to any marriage, birth or death, under the action of this law, shall be judged guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court.

To whom certificate to be sent.

(3.) And be it enacted, That every certificate of marriage \* \* \* required to be made by the first section of this act shall, in any city, borough, town or other local municipal government, be transmitted to the registrar of vital statistics, if there be such officer, and if not, then to the clerk of the city, borough, town or other municipal government in which such marriage or birth shall occur; and in any township every such certificate shall be transmitted to the assessor of the township in which such marriage or birth shall occur, or if there be no assessor in office, then to the township clerk.

\* \* \* \* \*

(4.) 9. *And be it enacted*, That it shall be the duty of such assessors, clerks and other officers to make and keep a complete list, as far as possible, of all clergymen \* \* \* authorized to solemnize marriages, and on or about the first day of May, in each year, to send to each a printed copy of the sections of this act defining their respective duties, and to furnish them, on application, with the proper blanks to make the prescribed returns.

Blanks to be furnished.

\* \* \* \* \*

(5.) 11. *And be it enacted*, That the secretary of state shall appoint, on the nomination of the state board of health, of which he is a member, a suitable person, who shall be a practicing physician of at least ten years' standing, who shall receive the returns made in pursuance of this act, examine carefully and prepare under the direction of the state board of health such tabular statements, results and deductions therefrom as bear upon the population, the cause and sources of disease, and the sources of social progress and deterioration, and make an annual report thereof to the state board of health, which report shall be published as a part of the annual report of said board; it shall also be the duty of the said person to prepare and issue to assessors, clerks and other officers the blank forms of certificates and returns required by this law, and the printed sections of the law required to be distributed to physicians, clergymen, undertakers and other persons, and he shall accompany the same with such instructions and explanations as may be necessary and useful, and shall do whatever may be required to carry into effect the provisions of this act; the secretary of state shall, as now authorized, furnish the above and other blank forms that may be required for issue on application or otherwise, but the failure to have received such blanks, unless there has been application therefor, shall not be any excuse for the disregard of the law.

Failure to receive such blanks, (unless minister makes application therefor) no excuse for disregard of law.

\* \* \* \* \*

Approved April 5, 1878.

### Marriage Forms.

#### CONSENT OF PARENTS OR GUARDIANS TO MARRIAGE OF MINOR.

The following is the proper form of certificate of consent to do hereby consent in every case of marriage of minors, with the proper form of oath or affirmation:

This is to certify, That \_\_\_\_\_, who have hereunto subscribed \_\_\_\_\_ name-, do hereby consent that \_\_\_\_\_, who is \_\_\_\_\_  
 (Name of Minor) (My or our son, daughter or ward)  
 and who is under the age of \_\_\_\_\_ years, shall be united in marriage to \_\_\_\_\_ by any minister of the gospel or other person authorized by law to solemnize marriages.

Witness \_\_\_\_\_ hand \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

Signed in }  
 presence of }

Parents' or } \_\_\_\_\_  
 Guardians' } \_\_\_\_\_  
 Signatures. } \_\_\_\_\_

NOTE.—It will be good and safe practice in all cases where the male is under the age of twenty-one, or the female under the age of eighteen, even though the parents or guardians be present at the marriage ceremony, to have them sign the above certificate of consent, but it will not be necessary in such case to administer the oath or affirmation. When administered the oath should be written on the back of above certificate and duly signed by the affiant, and the Minister who administers it.

I, \_\_\_\_\_, the witness within named, do solemnly \_\_\_\_\_ (swear or affirm) that I am of the full age of twenty-one years; that I am personally acquainted with \_\_\_\_\_, the person \_\_\_\_\_ who subscribed the within Certificate of Consent; that I was present at the signing of the same, and affixed my name as a witness thereto, and that the names thereto subscribed are the genuine signatures of the said \_\_\_\_\_.

(Affiant's signature.)

Subscribed and \_\_\_\_\_ (sworn or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

(Minister's signature.)

NOTE.—The affiant should be sworn unless he alleges himself to be conscientiously scrupulous of taking an oath, in which case he may affirm.

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