

CANONS
OF
THE MISSIONARY DIOCESE OF NEW ENGLAND
OF THE ANGLICAN CATHOLIC CHURCH
2002

IN THE NAME OF THE HOLY AND UNDIVIDED TRINITY, AMEN.

WE, THE BISHOP, CLERGY AND LAITY of The Missionary Diocese of New England in the One, Holy, Catholic and Apostolic Church;

BEING IN SYNOD DULY ASSEMBLED ¹ and desirous to preserve, maintain, exalt, proclaim and bequeath to future generations in New England the undefiled Anglican tradition of the Catholic Faith which we inherited from our fathers and do celebrate in the Book of Common Prayer of the Anglican Catholic Church;

BELIEVING THE ETERNAL TRUTH of our Lord and Saviour Jesus Christ and His everlasting Gospel, and trusting in His Divine Providence and His promises to the Apostles and to His Church;

SUBSCRIBING TO THE AFFIRMATION OF ST. LOUIS made at the Congress of 1977, during which the Anglican Catholic Church was spiritually formed;

DO NOW ADOPT AND ESTABLISH THESE CANONS for the good governance of this Diocese.

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The Canons were adopted by unanimous vote at a Special Synod of the Diocese convened at Rochester, New Hampshire, on July 29, a.D. 1995.

TITLE I -- NAME, OBJECT AND SEAL OF THE DIOCESE

CANON 1

Of the Name, Object and Seal of this Diocese

1.1 The name and style of this Diocese and See shall be "The Missionary Diocese of New England".

1.2 The object and purpose of this Diocese shall be to provide for the better organization, operation and governance of this branch of the Body of Christ, the Church within this Diocese.

1.3 The ecclesiastical Seal of this Diocese shall be a lozenge quartered by a crimson cross, in the upper left quarter a hunter green pine tree on a field of cream colour, in the upper right quarter a bishop's mitre of the old fashion worked in crimson and gold on a field of cream colour, in the lower right quarter the upper portion of a cream-coloured lighthouse projecting bright white rays left and right on a field of cobalt blue, in the lower left quarter a shepherd's crook with hook top left and a St. Peter's key with wards top right both of purple and forming a St. Andrew's cross on a field of cream colour, the whole lozenge surrounded by a border of inner and outer black lines within which the name of the Diocese running from bottom left and thereafter the year A.D. 1978 ² in black letters on a field of cream colour.

TITLE II -- THE EPISCOPATE

CANON 2

Of the Ecclesiastical Authority

2.1 The Ecclesiastical Authority of this Diocese is the Bishop, who shall have been consecrated by Bishops in the Apostolic Succession of the One, Holy, Catholic and Apostolic Church, whose episcopal orders have been established as valid and which have been recognized by the Anglican Catholic Church. He shall have the cure of souls of all Clergy and Laity canonically resident in this Diocese, and shall by virtue of his office administer the Church in this Diocese subject to these Canons and the Constitution and Canons of this Church and Province.

2.2 When there is a canonical vacancy and complete avoidance in this Church and See, the appropriate provisions of the Constitution of this Church and of this Province shall apply, and upon such vacancy the Standing Committee of this Diocese, acting as Guardians of the Spiritualities of this Church and See, shall advance to the Metropolitan of this Province for his consideration the name or names of those Bishops of this Province whom the said Guardians would be pleased to have appointed as the Episcopal Visitor hereto for the time and duration of such vacancy until a canonical

²

The year 1978 marks both the establishment in New England of the See of the Rt. Rev. James O. Mote and the acceptance of the authority of the Anglican Catholic Church by Bishop Mote and the New England congregations in his charge.

Bishop Elect has taken canonical possession of the spiritualities of this Diocese.³

2.3 During the tenure of a duly appointed Episcopal Visitor, all references in these Canons to "the Bishop" or "a Bishop" shall be deemed to be references to the Episcopal Visitor, excepting only references made explicitly to "the Bishop Ordinary".

CANON 3 *Of Episcopal Election*

3.1 Because the Bishop is to be Father in God to his Lay People and Clergy of this Diocese, to be Shepherd of the Sheep, Defender of the Faith and our spiritual leader, it is necessary that he have maturity, wide experience, and a thorough training in the theology and tradition of the Anglican Branch of the One, Holy, Catholic and Apostolic Church so that he may, by God's Grace, fulfil with strength, vigour and fidelity the pastoral obligations passed to him in succession from the Holy Apostles.

3.2 Prior to the issuance of any summons to an Electoral Synod, the Guardians of the Spiritualities under Canon 2.2 shall petition the Metropolitan or in the absence of a Metropolitan the College of Bishops of this Province for and shall have received a Licence and Writ of Election to the Episcopate in this Diocese.

3.3 No Electoral Synod of this Diocese shall have any legislative authority or jurisdiction to transact any business other than that of (i) examining the credentials of the Delegates and (ii) carrying out the election to the Episcopate as specified in the Writ of Election and as provided by this Canon 3. An Electoral Synod may but need not be held in conjunction with a separate annual General Synod or a separate Extraordinary Synod of this Diocese. The costs of an Electoral Synod shall be defrayed as described in Canon 7.2.

3.4 An Electoral Synod for any election to the Episcopate in this Diocese shall be summoned not less than forty-five (45) days prior to the convening of such Synod and the date set for convening such Synod shall be not more than ninety (90) days from the date of receipt of the Writ of Election. A formal Writ of Summons giving date, time and place shall be sent to all Clergy canonically resident in this Diocese and to all Parishes, Missions or other cures in union with this Diocese.

3.4.1 The Writ of Summons to an Electoral Synod shall be issued by the Bishop Ordinary of this Diocese if the election is of a Bishop Coadjutor or Suffragan; otherwise the Writ may be issued by the Metropolitan of this Province, by his duly appointed Episcopal Visitor to this Diocese, or by the Guardians of the Spiritualities under Canon 2.2.

3.4.2 The Writ of Summons shall set forth the name and address of the President of the Electoral Synod as well as the date, time and place of convening the Synod.

³

See ACC Canons, Canon 3.1.02. Under the Canons of this Diocese (2.3) ecclesiastical authority is remitted to the duly appointed Episcopal Visitor, and the Guardians exercise an advisory role.

3.4.3 Upon receipt of the Writ of Summons, any Elector is under an absolute canonical obligation to attend the Electoral Synod unless formally excused by the President. No Elector in either Order may appoint a substitute or cast a vote by proxy. The President shall not grant excuses from attendance to such extent that the number of Electors in attendance at the Synod will be less than two-thirds ($2/3$) of the total number of qualified Electors in either Order.

- 3.5 An Electoral Synod shall be composed of Clerical Electors and Lay Electors.
- 3.5.1 All priests and deacons of this Church who are canonically resident and are in good standing in this Diocese shall be the Clerical Electors.
- 3.5.2 The canonical Delegates to the Synod of this Diocese from each Parish, Mission or other cure in union with this Diocese, chosen in accordance with Canon 7.1, shall be the Lay Electors during their tenure as Delegates to the Synod. An elected Alternate to the Synod may serve as a Lay Elector in the event an elected Delegate is unable to serve.
- 3.6 The President of an Electoral Synod shall be the Metropolitan of this Province, or his duly appointed Episcopal Deputy. The President is responsible to maintain the order of business and for the whole conduct of the Electoral Synod including the resolution, in accordance with these Canons and the Constitution and Canons of this Province, of any questions of procedure.
- 3.6.1 An Electoral Synod shall begin with the celebration of a votive Holy Communion for the guidance of the Holy Spirit in its endeavours. The President shall be the celebrant, and he shall deliver his Charge to the Synod in lieu of a sermon.
- 3.6.2 Immediately following his call to order to commence the business of the Synod, the President shall read or cause to be read aloud the Licence and Writ of Election, the Writ of Summons, and his Writ of Commission.
- 3.6.3 The President shall then appoint a Recording Secretary of the Synod, as well as two (2) Scrutineers of the Ballot and two (2) Tellers of Election. Such appointees shall, if possible, not be Electors.
- 3.6.4 The Recording Secretary shall determine and the President shall announce to the Synod the number of Electors present in each Order, whether there is a canonical quorum in each Order, and what number of votes in each Order is required to elect. If a canonical quorum is present in each Order the President shall declare the Synod duly constituted.
- 3.6.5 When the Electoral Synod has been declared duly constituted, the President shall open the floor to nominations. Any nomination shall be subject to the following:
- 3.6.5.1 the nominee must be a person qualified as set forth in Canon 3.1 hereof and under the Constitution and Canons of the Anglican Catholic Church and of this Province; and
- 3.6.5.2 the nominee must have declared his agreement to the Guardians of the Spiritualities under Canon 2.2 that if duly elected he will serve this Diocese as Bishop, and such agreement must be certified in writing to the President by the Guardians of the Spiritualities; and
- 3.6.5.3 the nominee must have the declared support, written or otherwise, of at least two (2) Clerical Electors and at least five (5) Lay Electors present at the Electoral Synod; or
- 3.6.5.4 the nominee must have the support of the Vestry of a Parish, Mission or other cure in union with this Diocese and the nomination must be made by all of the Electors, Lay and Clerical, of such Parish, Mission or other cure present at the Electoral Synod.
- 3.6.6 Nominating speeches shall be limited to three (3) minutes' duration, and shall consist solely in identification of the nominee and a brief factual statement

of his qualifications.

3.6.7 At any time following nomination of any person, any Elector may rise and declare, without saying more, that he gives his vote to a specified nominee and will support him in the Office of Bishop. If this declaration in favour of the same nominee is repeated by two-thirds (2/3) or more of the Electors present in each Order, the President shall then inquire whether any of the Electors present doubt that such is a true and valid election, and if there be no objection, the President shall thereupon declare that the nominee so supported is elected by unanimous acclamation of the Synod, and the Tellers of Election shall make a written Return so stating and bearing the date, time of election, and their signatures. However, if at any time during this procedure any Elector present makes objection thereto, the President shall revert to the customary process of nominations.

3.6.8 The President shall not under any circumstances allow 'campaign speeches' or demonstrations by or on behalf of any nominee or potential nominee, nor shall he allow any other 'electioneering' during the Electoral Synod by or on behalf of any person.

3.6.9 A motion to close the nominations shall pass by a simple majority vote, in each Order, of the Electors present. Such vote may be by show of hands. In the event that only one name has been placed in nomination the President shall not entertain a motion to close the nominations until he is satisfied, in his sole discretion, that ample time to place other names in nomination has been afforded.

3.6.10 Before each vote is taken, the President shall lead the Electors in prayer, and this shall be followed by a brief period of silent prayer before voting commences.

3.6.11 The President shall not entertain any motion or other discussion during any vote from the time of conclusion of the pre-ballot prayers until all ballots have been cast.

3.6.12 The President shall keep the Synod in session, save for meals and Divine Service, until a candidate has been elected or a canonical quorum of Electors cannot be achieved or the Synod has become deadlocked without reasonable expectation of election.

3.7 Election to the Episcopate, if not done by Inspiration as described in Canon 3.6.7, shall be done by secret written ballot and by separate balloting of the Clerical Electors and the Lay Electors. A canonical quorum of two-thirds (2/3) of each Order of Electors shall be present and a two-thirds (2/3) affirmative majority of the ballots cast in each Order shall be necessary for election. Each Elector shall vote solely according to his own conscience as guided by the Holy Spirit and free from influence by any person. Each and every Elector present shall cast a ballot when each vote is taken. If any Elector shall believe that no candidate nominated is called by God to the Office of Bishop in this Diocese, he shall cast a blank ballot.

3.8 The ballots shall be collected separately in each Order by the Scrutineers and delivered to the Tellers to make their Returns in a place separate from the place of balloting; the Scrutineers shall observe the counting and tabulation done by the Tellers. Illegible ballots, ballots bearing more than one name or ballots not cast for an identifiable person shall not be counted. One Return shall be made for each Order, and

the Returns tabulating each vote shall include the number of blank ballots cast. Each Return shall be stated in writing, bear the date and time of that tabulation, be signed by the Tellers, and be delivered by them to the President who shall announce the results to the Synod.

3.9 At the discretion of the President, nominations may be reopened after the fourth vote has been taken and Returned without an election having occurred. After the fifth vote has been taken and Returned without an election having occurred, the Synod may by a simple majority vote by show of hands in each Order adopt the rule that the nominee receiving the fewest votes cast in the sixth and any subsequent vote shall be eliminated from consideration.

3.10 After the seventh or any subsequent vote has been taken and Returned without an election having occurred, any ten (10) Electors may jointly make a Motion to Elect by Postulation.

3.10.1 A Motion to Elect by Postulation shall specify the names of the persons to be forwarded to the Metropolitan and College of Bishops of this Province for their election therefrom of a person to the Office of Bishop in respect of which the Electoral Synod was summoned. Such Motion must also state that the Electoral Synod does fully concede and assign its authority and duty of election of a Bishop to the Metropolitan and College of Bishops of this Province, and that such election shall constitute a true and valid election in this Diocese.

3.10.2 A Motion to Elect by Postulation shall pass by a two-thirds (2/3) affirmative vote of the Electors in each Order present and voting, together with the assent of the President of the Electoral Synod. Such vote shall be taken by secret written ballot and by separate balloting of the Clerical Electors and the Lay Electors.

3.10.3 If a Motion to Elect by Postulation passes, the text of the Motion shall be immediately put into writing in the form of a Certificate of Election by Postulation, which shall include the statement that the Electoral Synod does fully concede and assign its authority and duty of election of a Bishop to the Metropolitan and College of Bishops of this Province, and that such election shall constitute a true and valid election in this Diocese. The President shall then require each and every Elector present in both Orders to sign the Certificate of Election by Postulation, and the Certificate shall then be attested by the signatures of the Guardians of the Spiritualities under Canon 2.2 and shall finally be dated and subscribed by the hand and seal Episcopal or Metropolitan of the President of the Electoral Synod. When the President has determined that the Electoral Synod has by this means completed all of its canonical business, he shall prorogue the Synod with his benediction. The Guardians of the Spiritualities shall thereupon ensure that a true copy of the said Certificate is made for the archives of this Diocese, and shall further ensure that the original document is forthwith delivered to the Metropolitan of this Province.

3.11 There shall be no election in this Diocese by means of a Committee of Compromission.

3.12 If a person shall be elected during the Electoral Synod as described in either Canon 3.6.7 or Canons 3.7 and 3.8, the President shall first declare that person to be elected and shall then summon him to stand before the Electoral Synod with the Electors of both Orders present, and shall require him to answer three (3) times the question whether he does canonically accept election to the Office of Bishop. If for good cause the person elected is prevented from being present, the President shall most expeditiously contact that person and require him to answer either orally three (3) times or once in writing the question whether he does canonically accept election to the Office of Bishop.

3.13 Upon canonical acceptance by the person elected to the Office of Bishop, the President shall proclaim him to be truly and validly elected, and shall thereupon require each and every Elector present to sign before their departure from the Electoral

Synod a Certificate of Election, separate Certificates being signed for each Order. Each such Certificate shall then be attested by the signatures of the Guardians of the Spiritualities under Canon 2.2 and shall finally be dated and subscribed by the hand and seal Episcopal or Metropolitan of the President of the Electoral Synod. When the President has determined that the Electoral Synod has completed all of its canonical business, he shall prorogue the Synod with his benediction. The Guardians of the Spiritualities shall thereupon ensure that copies of the said Certificates and the final Returns of Election are made for the archives of this Diocese, and shall further ensure that the original documents are forthwith delivered to the Metropolitan of this Province.

3.14 Upon failure to achieve a canonical quorum of Electors in either Order, the President shall have discretion to recess the Electoral Synod for a period not to exceed fifteen (15) days. Upon any subsequent failure to achieve a canonical quorum of Electors, or at any time that the Synod has become deadlocked without reasonable expectation of election, the President shall prorogue the Electoral Synod with his benediction, and shall return the Licence and Writ of Election to the Metropolitan of this Province.

3.15 If an Electoral Synod summoned for the purpose of electing a Bishop Ordinary of this Church and See shall fail by any of the means permitted by this Canon 3, excepting only Election by Postulation under Canon 3.10, to elect any person within a six-month period from the date of issuance of the Licence and Writ of Election by the Metropolitan of this Province, or by the College of Bishops thereof in the absence of a Metropolitan, such election for the Office of Bishop Ordinary of this Church and See shall by Right of Devolution revert to and be vested in the Metropolitan and College of Bishops of this Province. The Electoral Synod may by Resolution duly adopted by a two-thirds (2/3) majority of the Electors present and voting in each Order, request the Metropolitan to appoint an Episcopal Visitor to this Diocese as under Canon 2.2. Such Resolution shall be attested in a Certificate of Resolution after the manner described in Canon 3.13 and forwarded to the Metropolitan. Neither the Metropolitan nor the College of Bishops of this Province shall be bound to act in accordance with such Resolution.

CANON 4 *Of the Bishop*

4.1 The Bishop shall have all power and authority as set forth in the Constitution and Canons of this Church and of this Province and in these Canons and as provided in the authorized *Book of Common Prayer (1928)* of the Anglican Catholic Church.

4.2 The Bishop Ordinary shall be required to serve as Rector of a Parish of this Diocese unless otherwise decided by vote of the Synod.

TITLE III -- THE SYNOD

CANON 5 *Of the Powers of the Synod*

5.1 The legislative and temporal authority of the Bishop of this Diocese shall be exercised through the Diocesan Synod.

5.2 The Synod shall have the power to enact and amend any Canons provided the same are not in conflict with the Constitution and Canons of this Church and of this Province, to elect persons to such elective offices and functions as provided in these Canons, to admit Parishes and Missions and other cures into union with this Diocese, to levy tithes upon and to require certain payments from Parishes and Missions in union with this Diocese, to adopt balanced diocesan budgets providing for the work of the Church, and otherwise to govern the temporal affairs of this Diocese.

5.3 The Synod shall elect, upon receipt of notice from this Province, the delegates and alternates of this Diocese to any Synod summoned under the authority of the Provincial Church. If the number of such delegates and alternates elected in either Order is for any reason subsequently reduced below the number required, the Bishop with the advice and consent of the Standing Committee shall appoint additional delegates and alternates who shall take precedence below those elected by the Synod.

CANON 6 *Of Summoning the Synod*

6.1 The General Synod of this Diocese shall meet annually, normally in May, at a date and place to be determined by the Bishop in consultation with the Standing Committee not less than ninety (90) days in advance thereof, whereupon notice of the date and place shall be given by the Secretary to all congregations of the Diocese. The Writ of Summons giving date, time and place shall be sent not less than thirty (30) days prior to the meeting of Synod to all Clergy canonically resident in this Diocese and to all Parishes, Missions or other cures in union with this Diocese, together with the proposed Agenda, which each congregation shall copy and distribute to its delegates, alternates and representatives to the newly-summoned General Synod. If not distributed in advance, the Journal of the preceding General Synod shall be presented as required by Canon 9.1 at the place of and prior to the meeting of the Standing Committee preceding the annual General Synod. ⁴

6.2 An Extraordinary Synod of this Diocese may be summoned by the Bishop, or in the absence of a Bishop by the Ecclesiastical Authority, at any time to deal with specific matters. Notice of date, time and place shall be given not less than twenty (20) days prior to the meeting to the Vestry of each Parish, Mission or other cure in union with this Diocese. If the initial notice is verbal it shall be followed immediately by mailing of the Writ of Summons which is required for any Synod of this Diocese, and which shall in the case of an Extraordinary Synod set forth the date, time and place and shall specify all matters to be dealt with by the Extraordinary Synod.

⁴ Paragraph 6.1 was amended by the 16th General Synod in 2002.

CANON 7

Of Attendance at and Costs of the Synod

7.1 The Synod shall be composed of the Bishop Ordinary or Episcopal Visitor, all other Clergy canonically resident in this Diocese as Clerical Delegates, the duly elected Delegates or appointed Representatives of the Laity, and the officers of this Diocese and others named in Canon 7.1.7.

7.1.1 To be eligible to serve as a Delegate, Representative or Alternate, a Lay person must be a communicant of the Anglican Catholic Church not under any inhibition, must be canonically resident in this Diocese, and must be in good standing by reason of active participation in the life of the Church in this Diocese.

7.1.2 Each Parish of this Diocese shall elect three (3) Lay Delegates and, if possible, three (3) Alternates, with the objective that each Parish will at all times have three (3) voting Lay Delegates present during the business of the Synod.

7.1.3 Each Mission of this Diocese shall elect one (1) Lay Delegate and, if possible, two (2) Alternates, with the objective that each Mission will at all times have one (1) voting Lay Delegate present during the business of the Synod.

7.1.4 The Priest-in-Charge of any cure of this Diocese other than a Parish or Mission may appoint one (1) Lay Representative and, if possible, one (1) Alternate, with the objective that a Representative of each such cure will be present at all times during the business of the Synod. Lay Representatives shall have the right of voice, but shall not have the right of vote.

7.1.5 Delegates and Alternates shall be elected by the Parishes and Missions of this Diocese in such manner as the Parishes and Missions shall decide. All Delegates, Representatives and Alternates shall be elected or appointed not later than January 31 of each year, and notice of such elections or appointments, including the status, name, address and telephone number of each such person, shall be sent by each Parish, Mission or other cure to the Bishop not later than February 15 of the same year.

7.1.6 Receipt by the Bishop of the Annual Report of the Incumbent and receipt by the Diocesan Treasurer of the "Annual Parochial Financial Report" of the Parish or Mission, both by the last day of February in each year, shall be a condition precedent to the seating of Delegates, Alternates or Clergy from such Parish or Mission at the annual General Synod. The Bishop and the Diocesan Treasurer shall each submit to the Parishes and Missions appropriate forms for the completion of such reports by January 15 of each year.

7.1.7 Any officer, member of the Standing Committee or member of the Consistory Court of this Diocese in attendance at the Synod shall have the right of voice, but unless such person is also accredited as a Delegate he shall have no right of vote.

7.1.8 All votes in the Synod shall be cast in person by a duly accredited Delegate or in the absence of a Lay Delegate by a duly accredited Alternate. No vote shall be cast by means of proxy or substitute, and any such attempted vote shall be null and void.

7.2 The costs of the Synod shall be paid from the funds of the Corporation of this Diocese. The Standing Committee shall establish in advance of each Synod a registration fee payable to the Diocesan Treasurer for the purpose of defraying the costs of the Synod.

7.2.1 Summoned Clergy, Delegates, Alternates and Representatives shall each pay the Synod registration fee.

7.2.2 Subject only to adequate notice to the Secretary of the Diocese and any restrictions upon numbers necessitated by the place of meeting, the Synod shall be open to attendance by any communicant of the Anglican Catholic Church, or of any branch of the Holy Catholic Church in communion with the Anglican Catholic Church, Clerical or Lay. Each such attendee shall pay the Synod registration fee.

7.2.3 The Bishop may invite persons to attend as guests of the Synod, free from payment of any registration fee.

7.2.4 No other persons shall attend during the business of the Synod without

specific leave of the Bishop.

CANON 8
Of the Business of the Synod

8.1 A Bishop of this Diocese, or the duly appointed Episcopal Visitor, or in the absence of any of them the Vice-Chairman of the Standing Committee, shall preside over all meetings of the Synod.

8.2 Each sitting of the Synod shall be opened with the Bishop or presiding officer leading the Synod in prayer for the guidance of the Holy Spirit in carrying out the work of the Synod. At the first sitting, following the prayer the Bishop or presiding officer shall address the Synod as to the state of this Diocese, this Province and this Church.

8.3 Where not in conflict with these Canons, the procedure of the Synod shall be governed by *Robert's Rules of Order (Revised)*, or by any other established rules of procedure adopted by the Standing Committee for use during the Synod. It shall require an affirmative vote of two-thirds (2/3) of the accredited Delegates in each Order to suspend or waive such rules of procedure.

8.4 A quorum of the Synod for all purposes shall be a majority of each Order, except for adoption of any amendments or additions to these Canons, for which at least two-thirds (2/3) of the Lay Delegates and two-thirds (2/3) of the Clerical Delegates must be present.

8.5 The Synod shall deliberate and vote as one body, except as otherwise prescribed by these Canons or whenever five (5) or more Delegates, Clerical or Lay, request a vote by Orders. A vote by Orders shall be conducted separately, and a concurrent majority of each order shall be required to pass any question so voted upon, except where these Canons prescribe a higher concurrent majority. In the Episcopal Order, the Assent of the Bishop Ordinary or Episcopal Visitor shall be required to pass any question, and such Assent shall be requisite whether or not a vote is taken by Orders.

8.6 There shall in any Synod of this Diocese be three Orders:

8.6.1 The Episcopal Order shall be the Bishop Ordinary or Episcopal Visitor.

8.6.2 The Clerical Order shall be comprised of all Bishops of this Diocese other than the Bishop Ordinary or Episcopal Visitor, and all Priests and Deacons, active or retired, canonically resident in this Diocese and not under inhibition of discipline, each of whom shall be a Clerical Delegate with voice and vote.

8.6.3 The Lay Order shall be comprised of the elected Lay Delegates and any elected Alternates for the time being serving as Lay Delegates, each of whom shall have voice and vote. Elected Lay Representatives and Alternates shall have the right of voice, but not the right of vote.

8.7 The first item of business following the address of the Bishop or presiding officer shall be adoption of the Agenda of the Synod as proposed by the Standing Committee, with any amendments thereto which the Synod shall make. Thereafter the order of business of the Synod shall follow the Agenda, save that the Bishop or presiding officer may take up any item of the Agenda out of order or postpone consideration of any item if the Synod shall agree.

8.8 When the business of the Synod is concluded the Bishop or presiding officer shall prorogue the Synod with his benediction.

CANON 9
Of the Journal of the Synod

9.1 All of the reports made to and business conducted by any Synod of this Diocese shall be edited into an annual written Journal of the Synod. A copy of the Journal for the previous calendar year shall be made available to every member of the Standing Committee, to every other Diocesan officer and to every Delegate, Representative or Alternate to the next annual General Synod.

9.2 The costs for copies of the Journal of the Synod distributed as provided in Canon 9.1 shall be a part of the costs of the next annual General Synod of this Diocese. Subject to availability, other copies of the Journal may be sold by the Diocesan Treasurer upon request.

9.3 Three (3) copies of each Journal of the Synod shall be retained for the archives of this Diocese, and three (3) additional copies shall be sent free of cost, one (1) to the Metropolitan of this Province, one (1) to the Provincial Historiographer, and one (1) to the Librarian of Holyrood Seminary.

9.4 The Bishop shall nominate the Editor of the Journal, with the advice and consent of a majority of the Delegates to the annual General Synod.⁵

TITLE IV -- THE CONSISTORY COURT

CANON 10
Of the Authority and Jurisdiction of the Court

10.1 The judicial authority of the Bishop of this Diocese shall be exercised through the Diocesan Court, which is the Consistory Court of The Missionary Diocese of New England.

10.2 The Consistory Court shall have jurisdiction over all matters of discipline of the Priests, Deacons and Laity canonically resident in this Diocese, and over canonical controversies and all other Ecclesiastical Causes, including marital causes, arising within this Diocese.

CANON 11
Of the Officers of the Court

⁵ Paragraph 9.4. was enacted by the 11th General Synod in 1997.

11.1 The membership of the Consistory Court for the hearing of any cause shall be the Bishop or his Official Principal as presiding officer, two (2) Priests and two (2) Lay persons of this Diocese. The Chancellor shall be an *ex-officio* member of the Court with voice but with no vote, unless disqualified by reason that he enters an appearance before the Court as advocate for the Diocese in a particular cause. If an Official Principal is appointed the Bishop shall be an *ex-officio* member of the Court with voice but with no vote.

11.2 The Bishop may administer the oaths required by Ecclesiastical Law and issue his Warrant of Appointment as Official Principal of the Consistory Court to some person, Lay or Clerical, learned in Ecclesiastical Law. Such person shall be a communicant of the Anglican Catholic Church and may but need not be canonically resident in this Diocese, and such Warrant of Appointment once issued shall stand good until surrendered by the Official Principal or withdrawn by the Bishop. No appointment as Official Principal shall be subject to confirmation by the Synod.

11.3 Except for the Bishop, Official Principal if any, and the Chancellor, the members of the Consistory Court shall be elected by the annual General Synod. The term of office of the elected members of the Consistory Court shall be two (2) years, and each year the Synod shall normally elect one (1) member and one (1) alternate in each Order. At least one of the elected members of the Court shall, if possible, be an Attorney-at-Law.

11.4 The Bishop shall appoint some responsible Lay person canonically resident in this Diocese to serve as Registrar of the Consistory Court, and such appointment shall stand good until surrendered by the Registrar or withdrawn by the Bishop.

CANON 12 *Of the Procedure of the Court*

12.1 The proceedings of the Consistory Court shall be governed above all other considerations by the desire to do justice and to protect the rights of all parties concerned.

12.2 The presiding officer of the Consistory Court shall try and shall rule upon all matters and questions of Ecclesiastical and Canon Law. The elected members of the Consistory Court shall be the triers of the facts.

12.3 Any person against whom charges are preferred in an adjudicative proceeding before the Consistory Court must be given:

12.3.1 Prompt written notice of the charges and of the institution of the proceedings.

12.3.2 The right to counsel of his own choice.

12.3.3 The right to challenge the impartiality of one or more elected members of the Court. If such a challenge is sustained by the presiding officer, the presiding officer shall appoint an elected alternate as substitute.

12.3.4 The right to confront and to cross-examine adversary witnesses.

12.3.5 The right to invoke the privilege against self-incrimination.

12.3.6 A public hearing unless waived, or for good cause stated and in the interest of justice suspended for all or a portion of the proceedings by the Presiding Officer.

12.3.7 A written transcript or audio or video tape of the proceedings.

12.3.8 The right to appeal the Diocesan Court's Decrees to the Provincial Court, except for findings of fact in matrimonial causes.

12.3.9 All other rights not mentioned herein which are or may be granted by the Rules of Procedure of the Consistory Court or by or pursuant to the Constitution and Canons of this Church and of this Province.

12.4 The Bishop shall by Writ of Proclamation adopt Rules of Procedure of the Consistory Court not inconsistent with these Canons, the Constitution and Canons of the Provincial Church, or Ecclesiastical Law.

TITLE V -- CONGREGATIONS AND CLERGY

CANON 13

Of Admission of Congregations into Union

13.1 Congregations shall be admitted into union with this Diocese by the Bishop, whose decision shall be subject to advice and consent by the concurrent vote of a majority of all seated Delegates to the Synod of the Diocese. The matter of admission into union of any Congregation shall normally be the first item of business following adoption of the Agenda of the Synod. If such admission precedes other business of the admitting Synod, and the requirements of Canon 31.4 or 31.5 if applicable have been met, then the duly-accredited Lay Delegates or Lay Representatives of the newly-admitted Congregation shall be seated with full rights to participate in the remaining business of that Synod.

13.2 A non-dependent Congregation,⁶ which consists of twenty (20) or more baptized members of whom at least ten (10) are confirmed communicants of this Church in good standing, may apply for admission into canonical union with this Diocese as a Parish.

13.3 A dependent or non-dependent Congregation, whose membership includes at least five (5) confirmed communicants of this Church in good standing, may apply for admission into canonical union with this Diocese as a Mission. At such time as any Mission in union with this Diocese shall be non-dependent and shall have twenty (20) or more baptised members of whom at least ten (10) are confirmed communicants of this Church in good standing, it may apply to change its status in canonical union with this Diocese to that of a Parish.

13.4 A Congregation which is in canonical union with this Diocese as a Parish but which for two (2) consecutive years becomes dependent, or for two (2) consecutive years the membership of which declines to less than either twenty (20) baptised members or ten (10) are confirmed communicants of this Church in good standing, shall assume the status of a Mission and the Incumbent thereof shall assume the status of a Vicar until it shall again meet the requirements of Canon 13.1. Notwithstanding the foregoing requirement of this Canon 13.4, it shall not apply to a congregation which was received in union as a Parish at the 1986 reception of this Missionary Diocese until such time as this Diocese ceases to be a missionary diocese and assumes the status of a full diocese of the Provincial Church.

13.5 A dependent or non-dependent Congregation, which consists of at least five (5) baptized members but less than five (5) confirmed communicants of this Church in good standing, may apply for admission as a cure of this Diocese in extra-canonical union. If so admitted, such cure shall qualify for provision of a Priest-in-Charge under Canon 14.6.

⁶

I.e., a Congregation capable of meeting all of its financial expenses including full payment of its clergy and its tithe and other required payments to this Diocese.

13.6 Congregations may but need not be incorporated as religious or not-for-profit corporations under the laws of their respective civil jurisdictions. Whether or not so incorporated, each Congregation seeking union with this Diocese shall have or shall adopt a set of By-Laws consistent with and acknowledging the overriding authority of these Canons, and shall forward two copies of its By-Laws together with its application for admission to union. If admitted, each Congregation shall thereafter send to the Diocesan Secretary two copies of any revisions in or amendments to its By-Laws. The required provision of each Congregation's By-Laws acknowledging the overriding authority of these Canons shall not be subject to any waiver or repeal for so long as that Congregation remains in union with this Diocese and unless and until it has complied fully with the requirements of Canons 15.2 - 15.4. The Chancellor shall review all such By-Laws and any revisions or amendments thereto.

13.7 Congregations qualified under the foregoing provisions of this Canon to apply for union with this Diocese shall make application to the Bishop in the following form:

We the undersigned, being at least two-thirds (2/3) of the Congregation of (name of proposed Parish, Mission or other cure), have at a duly-summoned meeting of all the members of this Congregation voted by not less than a two-thirds (2/3) majority of the whole Congregation to accede to the Doctrine, Discipline and Worship of the Anglican Catholic Church and have assented to the Constitution and Canons of this Church and of this Province, and to the Canons of The Missionary Diocese of New England, all as the same have been amended to the date of this application, and we do hereby publish the same and petition and request admission into (canonical / extra-canonical) union as a (Parish / Mission / cure) of The Missionary Diocese of New England of the Anglican Catholic Church.

CANON 14

Of Vestries, Officers, Callings, Meetings and Reports

14.1 Each Congregation in canonical union with this Diocese as a Parish or Mission shall have a Vestry elected by an Annual Meeting of such Parish or Mission. Only communicants of the Anglican Catholic Church who have also been members of the Congregation for not less than six (6) months shall be entitled to vote at such meetings and shall be eligible, except as hereafter restricted, for election to the Vestry. One-third (1/3) of the Vestry shall be elected each year for three-year terms. A special election may be held at any time to fill the unexpired portion of the term of any member of the Vestry. No person completing a term on the Vestry shall be eligible for re-election until one (1) year following the expiration of his term, except that this restriction shall not apply to any person completing a partial term of less than one and one-half (1 ½) years, or to Congregations of fewer than twenty-five (25) communicants. For purposes of this Canon, the definition of "communicant" in Canon 31.2.3.2 shall apply.

14.2 Senior and Junior Wardens shall be selected in accordance with the practice of the Parish or Mission.

14.3 A Clerk and a Treasurer shall be elected or appointed according to the practice of a Parish. A Secretary and a Treasurer shall be elected or appointed according to the practice of a Mission. Such officers shall be members of the Congregation, and one person may hold both offices.

14.4 Any Parish, after consultation with the Bishop Ordinary or Episcopal Visitor, as the case may be, may call as its Rector a Priest in good standing in this Church nominated by that Bishop in accordance with the Canons of this Church and of this Province.

14.5 Any Mission, after consultation with the Bishop Ordinary or Episcopal Visitor, as the case may be, may call as its Vicar a Priest in good standing in this Church nominated by that Bishop in accordance with the Canons of this Church and of this Province.

14.6 In any Parish or Mission where there is for the time being no Incumbent, and in any other cure of this Diocese under Canon 13.5, the Bishop Ordinary or Episcopal Visitor, as the case may be, after consultation with the Vestry of the Parish or Mission or the Congregation of such cure, shall provide Clergy in good standing in this Church for the timely administration of the Sacraments.

14.7 Meetings of a Congregation or its Vestry shall be presided over by the incumbent Rector, Vicar or Priest-in-Charge, unless there is for the time being no Incumbent, or he is disabled or has declined to preside, in which case the Senior or Junior Warden or some other member shall be elected to preside by the Congregation or by the Vestry, as the case may be.

14.8 In addition to the Annual Financial Report described in Canon 31, each Parish and other Congregation in union with this Diocese shall prepare on a form provided by the Diocese an Annual Report for the year ending December 31 preceding, and this Annual Report shall be sent not later than February 1 to the Bishop or Secretary of the Diocese, as directed. In every Parish the preparation and delivery of the Annual Report shall be the joint duty of the Rector and the Vestry, and in every other Congregation the duty of the Incumbent. Each Annual Report shall include the following information:

14.8.1 The number of baptisms, confirmations (including receptions), marriages and burials done during the year.

14.8.2 The names and total number of all baptised persons, noting which of the same are communicants, enrolled in good standing as of December 31st; for all administrative purposes the number of members shall be the number of enrolled baptised persons.

14.8.3 The totals of all receipts and expenditures, from whatever sources derived and for whatever purposes used.

14.8.4 A statement of the temporalities held, including real and personal property, chattels or other possessions, with an appraisal of value of all such temporalities.

14.8.5 A statement of indebtedness, if any, noting which of the temporalities is mortgaged or otherwise pledged to secure such indebtedness.

14.9 A General Register and a Service Register shall be maintained by each Parish,

Mission or other cure to facilitate the recording of data required in the Annual Report.

CANON 15

Of Dormancy, Disenrollment, and Withdrawal from Union

15.1 A Congregation which has failed to submit the required Annual Report and/or the required Annual Financial Report, or has failed to forward to the Diocesan Treasurer in the required manner its tithe or other payments required by these Canons, may be declared by the Bishop with the advice and consent of the Standing Committee to be dormant and relegated to inactive status, and notification of this action shall be sent to that Congregation in writing by Certified Mail in addition to any other means. If a Congregation so notified does not rectify such delinquencies within six (6) months of such notification, it shall be dropped from the roll of Congregations in union with this Diocese and shall be notified of that action in writing by Certified Mail.

15.2 A Congregation which has been admitted to canonical union with this Diocese may withdraw from that union upon the affirmative vote of two-thirds (2/3) of all the communicants listed on the roll of that Congregation for not less than sixty (60) days prior to the date of the notice of meeting next referred to, or of those listed in the most recent Annual Report of its Incumbent, whichever is the greater number of communicants. To be valid, such vote shall have been taken at a meeting of the whole Congregation, called upon not less than thirty (30) days advance written notice to each member of the Congregation and to the Bishop, for the purpose plainly stated in the said notice of considering and voting upon a motion to withdraw from union with this Diocese. Not less than fifteen (15) days prior to such meeting the Clerk or Secretary of the Congregation shall deliver to the Bishop the list of all communicants on the roll of the Congregation; such list shall contain the name, address and telephone number of each such communicant. The Bishop or his appointed representative shall preside at such meeting, and all enrolled members of the Congregation, whether or not eligible to vote, shall be entitled to speak before any vote is taken on the motion to withdraw from union. Such vote shall be by secret written ballot, each voter being checked off the list of eligible voters by the Clerk or Secretary prior to depositing a ballot in the ballot box. The ballots shall be counted and reported by two (2) tellers, one elected by the Congregation and one appointed by the Bishop or his representative present.

15.3 If a Congregation shall vote as provided above in favour of withdrawal from canonical union with this Diocese, the vote shall be certified in writing to the Bishop within five (5) days thereof by the Clerk or Secretary of that Congregation: otherwise the said vote shall be null and void. Such certification shall note upon the list of communicants referred to in Canon 15.2 the names of those communicants who cast ballots when the vote was taken. Within thirty (30) days following receipt of such notice the Bishop in consultation with the Incumbent and the Congregation shall set the date, time and place for the meeting with that Congregation required by Canon 15.4.

15.4 Withdrawal from canonical union with this Diocese shall in no case take effect until sixty (60) days after the Incumbent and the Congregation have met with the Bishop. The Bishop shall preside at such meeting, and prior to such meeting the

Congregation shall remit any arrears in tithes or other sums owed to the Diocese.

CANON 16
Of Admission of Clergy

16.1 Clergy must apply to and have the consent of the Bishop Ordinary or Episcopal Visitor for admission into this Diocese. Withholding of consent must be for just cause stated in writing.

16.2 No person shall regularly officiate or regularly assist in any official role at any service of the Anglican Catholic Church in this Diocese unless he is a communicant of the Anglican Catholic Church or is under preparation by a Priest of this Diocese for admission to this communion, and is duly trained for his role and licensed by the Bishop. A person not in communion with this Province of the Church may be invited by the Incumbent or Priest-in-Charge to serve as preacher, provided that such person administer no sacraments. Temporary exceptions to this Canon 16.2 may be authorized by the Bishop in writing for a stated time in exceptional circumstances.

16.3 All postulants for Holy Orders in this Diocese shall be supervised by the Diocesan Commission on the Sacred Ministry. The Chairman and members of the Commission shall be appointed by the Bishop. The Chairman of the Commission must be in Holy Orders and canonically resident in this Diocese. All members of the Commission shall be Examining Chaplains, and the Chairman may appoint other learned persons to serve as Examining Chaplains *ad hoc*, as the need may arise.

TITLE VI -- THE CHURCH'S WORSHIP

CANON 17
Of the Due Celebration of Sundays

All communicants of this Diocese, as their bounden duty, shall celebrate and keep the Lord's Day, commonly called Sunday, and other days of obligation, by regular participation in the public worship of the Church, by hearing the Word of God both read and taught, by resorting to the Sacrament of Holy Communion when the same may be had, and by other acts of devotion and works of charity, using all Godly and sober conversation. ⁷

CANON 18
Of the Holy Scriptures

The Lessons at the Daily Offices of Morning and Evening Prayer shall be read from the translation commonly known as the King James or Authorized Version, which is the Standard Bible of this Church, including the Deuterocanonical Books commonly

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Amended by the 11th General Synod in 1997. See ACC Canons, Canon 18.2.02.

called the Apocrypha. For the purpose of elucidation, other versions of the Bible may be employed in preaching and teaching with the approval of the Bishop.

CANON 19
Of the Book of Common Prayer

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form of Making, Ordaining and Consecrating Bishops, Priests and Deacons, the Form of Consecration of a Church or Chapel, an Office of Institution of Ministers, all as authorized in its American edition of 1928, shall serve as the primary liturgical source in this Diocese, as well as an outline for doctrine and discipline. Other recensions of the Book of Common Prayer and other service books, as authorized by the Canons of the Original Province of this Church, may be used with the approval of the Bishop. ⁸

CANON 20
Of the Music

20.1 Music at divine service shall befit its sacred purpose as an offering to the Glory of God, as well as being an aid and vehicle for the people's devotion. To these ends, in ordering public worship every Rector, Vicar or Priest-in-Charge shall have final authority under the Bishop in all matters pertaining to liturgical music, including its selection and performance. He shall have the right of appointment, direction, and power of removal of the organist, music director, choirmaster and any other persons skilled in music.

20.2 It shall be the special duty of every Rector, Vicar or Priest-in-Charge to suppress all light and unseemly music, and any irreverence in the performance of music, in connection with Church services.

20.3 It shall be the policy of this Diocese to encourage worship by means of appropriate music in Church services, to retain as far as possible the entire musical heritage of the Church including the musical notation for the Book of Common Prayer as provided in *The Hymnal 1940*, the *Choral Service Book (1927)*, and the Anglican Chant and Plainsong Psalters. Exercise of the distinctive Catholic heritage of Anglican chant for the Psalms, Canticles and Versicles is particularly encouraged.

TITLE VII -- DIOCESAN OFFICERS AND STANDING COMMITTEE

CANON 21
Of the Archdeacon

⁸ Amended by the 11th General Synod in 1997 to delete a reference to the Articles of Religion.

21.1 The Archdeacon of this Diocese shall be a Priest of this Church canonically resident in this Diocese and of not less than six (6) years in the order of the Priesthood, appointed by the Bishop and subject to confirmation by advice and consent of a majority of the Delegates to the next annual General Synod, voting by Orders. The Archdeacon shall hold office at the pleasure of the Bishop by whom he was appointed; he shall tender his resignation to the successor in the See whenever the Bishop by whom he was appointed dies, resigns, is translated or is removed. The Archdeacon shall likewise tender his resignation from office if he resigns as Incumbent of all Congregation(s) of which he has the cure.

21.2 The Archdeacon shall exercise the authority and perform the duties assigned to him by the Bishop. His duties shall include the following:

21.2.1 He shall represent and assist the Bishop in his pastoral care within this Diocese. He shall see that all who hold ecclesiastical office within the Diocese perform their duties with diligence. He shall bring to the attention of the Bishop any situation or action within the Diocese which may require episcopal consideration.

21.2.2 He shall make Canonical Visitations, as the Bishop shall direct, to the Congregations in canonical union with this Diocese.

21.2.3 He shall, upon receiving Letters Mandatory of the Bishop, perform on behalf of the Bishop the Office of Institution of any Priest to be instituted to any benefice in this Diocese.

21.2.4 He shall, upon request of the Bishop, give advice upon the appointment of a Rector, Vicar, or Priest-in-Charge in this Diocese.

21.2.5 He shall make a formal report of his official acts during the preceding year to each annual General Synod.

CANON 22 *Of the Chancellor*

22.1 The Chancellor of this Diocese shall be an Attorney-at-Law admitted to the bar of the highest court of any State within the Region of the Diocese, and who shall be a communicant in good standing canonically resident in this Diocese, nominated by the Bishop with the advice and consent of a majority of the Delegates to the annual General Synod.

22.2 The Chancellor shall serve as an adviser to the Bishop on both questions of Civil and Canon Law when requested by the Bishop or when the Chancellor in his discretion determines that matters of Civil or Canon law should be brought to the attention of the Bishop.

22.3 The Chancellor shall serve as adviser to the Standing Committee on questions of Civil and Canon Law relating to their functions within the Diocese and especially in the matter of their temporal authority exercised with the Bishop. He shall examine and approve as to Civil and Canon Law all contracts entered into by the Diocese, the Diocesan corporation or any trustees of the Diocese and any other agency or instrumentality of the Diocese. He shall examine and approve the title to all property acquired by the Diocesan corporation and shall, if necessary, ensure the civil registration of all documents of title to property of the Diocesan corporation.

22.4 The Chancellor shall serve as adviser to the Synod or either Order thereof on questions of Civil and Canon Law and parliamentary procedure.

22.5 The Chancellor shall serve as counsel of record or associate counsel in any matter of Civil Law relating to the Diocese as may be necessary to carry out the purposes of the Bishop, the Synod and the Standing Committee.

22.6 The Chancellor may be requested by any member of the Episcopal or Clerical Orders to make a Formal Ruling upon any matter of Civil or Canon Law affecting the Diocese or by the Incumbent or Senior Warden of any Parish or Mission to make a Formal Ruling upon any matter of Civil or Canon Law affecting that Parish or Mission.

22.7 Any Formal Ruling made by the Chancellor shall be in writing with complete citation of the authorities upon which he bases the Ruling, and shall be filed with the Bishop, with a copy being sent only to the person requesting the Ruling except as otherwise provided in this Canon. The Bishop and the person requesting the Formal Ruling may in their own best discretion disseminate the Ruling of the Chancellor as necessary and appropriate. Formal Rulings made at the request of any member of the Standing Committee shall also be copied to the other members of the Standing Committee. Formal Rulings made at the request of other Officers of this Diocese shall also be copied to the members of the Standing Committee.

22.8 Deputy Chancellors may be appointed from each civil jurisdiction in the Region of the Diocese, and the Diocesan Chancellor may call upon any one or more Deputy Chancellors for advice in any matter of Civil or Canon Law or in acting upon any request for a Formal Ruling.

CANON 23
Of Deans and Canons

23.1 With the consent of the Standing Committee the Bishop may establish within this Diocese one or more rural Deaneries and upon sixty (60) days notice to the constituent Congregations thereof may dissolve the same, as he shall deem advantageous to the administration of the Diocese. The Bishop shall appoint a Priest canonically resident in each such rural Deanery to be the Dean thereof. Each rural Deanery shall bear the name of a geographical feature or area within the designated geographical boundaries of that Deanery.

23.2 With the consent of the Standing Committee the Bishop may establish within this Diocese one or more Canonries and may at any time dissolve the same, as he shall deem advantageous to the administration of the Diocese. Canonries shall not be geographical but related to specific missions of this Diocese as, for example, the promotion of sacred music or ministry to the elderly. The Bishop shall appoint a Priest canonically resident in this Diocese to be Canon for such a specified mission.

CANON 24
Of the Treasurer

24.1 The Treasurer of this Diocese shall be a communicant in good standing canonically resident in this Diocese, nominated by the Bishop with the advice and consent of a majority of the Delegates to the annual General Synod.

24.2 The Treasurer, under the supervision of the Standing Committee, shall be responsible for administering the financial affairs of the Diocese. This responsibility shall include receipt of all donations, parochial tithe payments, and other payments to and income of the Diocese, and depositing the same in a suitable checking account in the name of the corporation of the Diocese and, as circumstances permit, investing a portion thereof in interest-bearing accounts or other appropriate financial instruments. The Treasurer shall be responsible in accordance with any protocol adopted by the Standing Committee to pay out of the funds of the corporation of the Diocese the just debts of and bills, invoices and statements properly rendered to the Diocese, and to make advances to cover or reimbursement of expenses incurred upon behalf of the Diocese, and to make other payments as authorized by the Synod or the Standing Committee. The Bishop Ordinary shall, however, have sole authority to direct payments to be made from the Bishop's Discretionary Fund.

24.3 The Treasurer shall periodically inform the Standing Committee and annually inform the General Synod of the financial condition of the Diocese, and shall maintain the financial records of the Diocese in a form suitable for audit by the Standing Committee. The Treasurer shall annually draft a Diocesan Operating Budget for the ensuing fiscal year and by Ash Wednesday in each year present the same for review by the Standing Committee and ultimate submission to the annual General Synod.

24.4 The Treasurer shall administer any clerical retirement and/or health plans which may be adopted by the Synod, and shall be responsible to make any payments to the Provincial Bursar and to coordinate any financial matters with the Provincial Church and with other Dioceses as appropriate, such as may be involved in the operation of national clerical retirement and/or health plans.

24.5 The Treasurer shall be under an appropriate bond of corporate surety when deemed necessary by the Standing Committee. Upon termination of office, the Treasurer shall deliver to his successor in office all funds, and financial books and papers of this Diocese or any instrumentality thereof, in good order and condition.

CANON 25 *Of the Secretary*

25.1 The Secretary of this Diocese shall be a communicant in good standing canonically resident in this Diocese, nominated by the Bishop with the advice and consent of a majority of the Delegates to the annual General Synod.

25.2 The duties of the Secretary are:

25.2.1 To give prompt notice to all persons concerned of all canonically authorized meetings, to record the minutes of the Synod and of the Standing Committee, and to certify Resolutions of the Synod. ⁹

25.2.2 To furnish to the Bishop, the Synod, the Consistory Court, and the Standing Committee appropriate official lists of the Clergy and of the Congregations of this Diocese, in such form as shall meet the particular need.

25.2.3 To prepare, certify and submit such reports, lists and records from the archives of this Diocese as may be required by this Church and Province or as may be authorized by the Bishop or Standing Committee to be provided to any national or international ecclesiastical body or authority.

25.2.4 To keep in a separate book a Register of all Clergy canonically resident in this Diocese, indicating the dates of and other pertinent data concerning their respective ordinations and receptions, all transfers to or from other jurisdictions, and all dismissals, depositions or deaths of Clergy in this Diocese.

25.2.5 To keep in a separate book a Register of all Congregations in union with this Diocese, showing their respective status and changes therein, admissions to union, successions of incumbent Clergy, other Clergy affiliated to them, and such other particulars as may be necessary to establish the historical record of such Congregations.

25.2.6 To deliver to the Diocesan Historiographer on a periodic basis documents or copies of documents not needed by the Diocesan Secretary for the day-to-day business of the Diocese, so that all such documents may be preserved in the archives of this Diocese; and upon termination of office to deliver all other books, registers, records and papers of this Diocese to his successor in the office of Secretary.

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Amended by the 11th General Synod in 1997 to delete the requirement of editing the *Journal*.

25.3 The Synod or the Standing Committee may appoint a Corresponding Secretary to deal with the day-to-day administrative paperwork of the Diocese. A Corresponding Secretary may receive such remuneration as is agreed by the Synod or the Standing Committee. If appointed, the Corresponding Secretary shall act as secretary to the Standing Committee.

CANON 26
Of the Historiographer

26.1 This Diocese is the successor in continuous existence to the See of the Rt. Rev. James Orin Mote, established in New England in 1978. Formally organised as the Anglican Catholic Deanery of New England in 1979, it was thereafter known from 1981 until 1986 as the Missionary District of New England and was received by the Provincial Church in 1986 as The Missionary Diocese of New England. The history of this Diocese as a branch of Christ's Church is an indispensable part of our bequest of the Anglican tradition of the Catholic Faith to future generations in New England.

26.2 The Historiographer of this Diocese shall be a communicant in good standing canonically resident in this Diocese, nominated by the Bishop with the advice and consent of a majority of the Delegates to the annual General Synod. The Historiographer shall establish and maintain contact with the Historiographer of the Province, and shall be responsible to receive and/or collect, file, index and safely preserve any books, papers, registers, reports, records, ledgers, journals, manuscripts, pamphlets or other documents relating to this Diocese or any Congregations thereof, or other instrumentalities thereof, or to the Church generally; all with the objective of constituting and maintaining the archives of the Diocese relating to its history and the history of this Church in New England.

CANON 27
Of the Standing Committee

27.1 The Standing Committee of this Diocese shall be composed of the Bishop Ordinary or Episcopal Visitor, any other Bishops of this Diocese, the Archdeacon (if any), the Chancellor, the Treasurer, the Secretary, three (3) members elected from the Clerical Order and three (3) members elected from the Lay Order by the General Synod. Each annual General Synod shall elect by Orders one (1) Clerical member and one (1) Lay member of the Standing Committee to serve for a term of three years. Unless for good cause prevented, not more than one (1) elected Clerical and one (1) elected Lay member of the Standing Committee shall be from the same Parish, Mission or other cure of this Diocese.

27.2 The Standing Committee shall meet at least three times between annual meetings of the General Synod, one such meeting to be on the eve of the General Synod and another to be immediately upon the adjournment of the General Synod. The Standing Committee shall meet at any other time at the call of the Bishop, the Archdeacon, or any four (4) members, upon not less than ten (10) days notice unless the meeting is called to deal with a specified emergency. In such latter case a notice stating

the nature of the emergency shall be given by telephone or facsimile to each member of the Standing Committee not less than twenty-four (24) hours prior to the meeting, and the meeting may take place by means of conference telephone call; in order for any question to be carried during such emergency meeting it must pass by an affirmative majority of the votes of all members of the Standing Committee, and any such vote shall be by roll call and certified in writing by the Diocesan Secretary or by a deputy Secretary appointed by the Standing Committee.

27.3 The Bishop shall be Chairman of the Standing Committee and the Archdeacon, if any, shall be Vice-Chairman. In the absence of the Bishop and the Archdeacon, the Chancellor shall preside and in the absence of the Chancellor the next senior elected member of the Standing Committee shall preside. All members of the Standing Committee shall have voice and vote. Six (6) members of the Standing Committee shall constitute a quorum.

27.4 The Standing Committee shall carry out the temporal policies established by the Synod for the Diocese, and temporal authority shall be otherwise be exercised by the Standing Committee as delegated by Resolution of the Synod. To facilitate the implementation of such temporal authority, the Bishop may appoint deputy Diocesan officers with the advice and consent of the Standing Committee. Any elective or appointive office described in this Title VII may be filled pending the next annual General Synod by appointment of the Bishop subject to the advice and consent of the Standing Committee. Likewise the Bishop may for cause stated and subject to the advice and consent of the Standing Committee remove from office at any time any such elective or appointive office holder in this Diocese.

27.5 The Treasurer shall prepare a current financial report of the Diocese and a draft Diocesan Operating Budget for the succeeding fiscal year and the Secretary shall forward the same to the other members of the Standing Committee and to the delegates, alternates and representatives at least thirty (30) days before the annual General Synod. The Standing Committee shall review the financial report and draft Diocesan Operating Budget, and shall present to the General Synod a proposed Diocesan Operating Budget.

27.6 Between annual General Synods, the Standing Committee may as and if necessary make modifications to the current Diocesan Operating Budget as regards allocation and expenditure, provided such shall not *in toto* exceed ten percent (10%) of the total budgeted income of this Diocese. The Standing Committee may by affirmative vote of three-quarters (3/4) of all its members modify the budget beyond the aforesaid limits whenever it deems such action to be required by extraordinary circumstances.

27.7 The Standing Committee shall annually appoint a qualified person or engage a firm of auditors who shall audit the financial accounts and records of this Diocese and provide a written statement of this audit for submission to the Synod within forty-five (45) days preceding the annual General Synod.

27.8 The Standing Committee shall also be, act and serve as the Bishop's Council of

Advice to the Ordinary during the Bishop's tenure of Office.¹⁰

27.9 Any matter upon which there is disagreement during a meeting of the Standing Committee may be resolved by the affirmative vote of a majority of all of the members of the Standing Committee. The Standing Committee may however take action upon any matter without a meeting but by unanimous consent stated in writing and signed by all the members. Such written consent may be in a single document circulated for signature, or may be in separate signed written documents transmitted by post, courier, or facsimile transmission.

27.10 Any vacancy on the Standing Committee shall be filled pending the next annual General Synod by majority vote of the remaining members of the Standing Committee.

TITLE VIII -- THE DIOCESAN CORPORATION

CANON 28

Of the Nature and Structure of this Diocese and of the Corporation

28.1 The Missionary Diocese of New England is an organ of this Branch of the One, Holy, Catholic and Apostolic Church. The ecclesiastical Missionary Diocese of New England is a Corporation Spiritual, being without temporal existence, power or authority, and as such is subject only to Ecclesiastical and Canon Law. Nevertheless the Diocese must possess certain temporalities which are themselves subject to both Ecclesiastical and Canon Law and the Civil and Common Law.

28.2 The Synod shall maintain a temporal not-for-profit corporation established under the Civil, Common and Statute Law of the Commonwealth of Massachusetts for the purpose of holding civil title to and facilitating secular dealing with the monies and other temporal holdings, properties and possessions of this Diocese and where appropriate of Congregations in union with this Diocese. The name of the temporal corporation shall be, in part, the full name of this Diocese. The temporal Diocesan corporation shall at all times be so structured as to qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future internal revenue law of the United States.

28.3 The members of the Standing Committee shall serve as the Directors of the Diocesan corporation, with the Bishop being the Chairman of the Board of Directors. One meeting of the Board of Directors shall coincide with each annual General Synod of the Diocese.

28.4 The Bishop shall serve as President of the Diocesan corporation. The Diocesan Treasurer and Secretary shall serve, respectively, as Treasurer and Secretary of the corporation. The Directors shall appoint one or more Vice-Presidents of the corporation.

CANON 29

Of Diocesan Trustees

29.1 In any civil jurisdiction in which the Diocese functions and in which the Civil, Common or Statute Law of the jurisdiction requires the appointment of trustees in order to carry out the purposes of the Synod:

29.1.1 There shall be five (5) trustees, one of whom shall be the Bishop and four (4) of whom shall be nominated by the Bishop with the advice and consent of the Synod, two(2) being appointed from each of the Clerical and Lay Orders. As many as possible of the appointed trustees shall be legal residents of the civil jurisdiction in question.

29.1.2 The appointed trustees shall hold their appointments for life, or until their resignation or removal for cause.

29.2 The trustees shall administer the temporalities of the Diocese within the civil jurisdiction in question and in accordance with the direction of the Synod or the Standing Committee.

TITLE IX -- DIOCESAN FINANCES

CANON 30 *Of the Fiscal Year*

30.1 The fiscal year for this Diocese shall be from June 1 through the following May 31.

30.2 The fiscal year for Congregations in union with this Diocese shall be from January 1 through the following December 31.

CANON 31 *Of the Diocesan Operating Budget and its Support*

31.1 Each Parish and Mission in union with this Diocese shall support the Diocese by means of a monthly tithe, and the total of all such tithes shall be sufficient to balance the annual Diocesan Operating Budget adopted by the annual General Synod. Parishes and Missions shall tithe in the same manner and, for purposes of this Canon 31 only, are hereinafter referred to in the aggregate as 'Parishes'. Further for purposes of this Canon 31, the definition of a tithe shall be based equally upon the Parish income, expenses, and number of communicants (as defined in Canon 31.2.3.2), relative to the total income, expenses and number of communicants, respectively, of all the Parishes of this Diocese summed together. Therefore the tithe of each Parish shall be the sum of the three partial tithes based upon (i) income, (ii) expenses and (iii) number of communicants.

31.2 The tithes of the Parishes of this Diocese shall be calculated by the Diocesan Treasurer prior to each annual General Synod, in accordance with the following formula:

31.2.1 Income --

31.2.1.1 one-third (1/3) of the amount required to balance the annual Diocesan Operating Budget shall be equal to the sum of the Parishes' first partial tithes. This first partial tithe of each Parish shall be proportional to the income of that Parish during the previous calendar year relative to the total income of all the Parishes of this Diocese during the previous calendar year;

31.2.1.2 for purposes of this Canon 31, 'income' shall be defined as the item which appears on the Annual Financial Report form for the previous calendar year as "Receipts for General Purposes". Should any Bishop of this Diocese serve as permitted by Canon 4.2, the Parish of which the Bishop is Incumbent need not include as income any amounts received which have been used for the direct support of that Bishop in his

Diocesan work.

31.2.2 Expenses --

31.2.2.1 one-third (1/3) of the amount required to balance the annual Diocesan Operating Budget shall be equal to the sum of the Parishes' second partial tithes. This second partial tithe of each Parish shall be proportional to the expenses of that Parish during the previous calendar year relative to the total expenses of all the Parishes of this Diocese during the previous calendar year;

31.2.2.2 for purposes of this Canon 31, 'expenses' shall be defined as the item which appears on the Annual Financial Report form for the previous calendar year as "All Operating Expenses". Should any Bishop of this Diocese serve as permitted by Canon 4.2, the Parish of which the Bishop is Incumbent shall not include as expenses any amounts which have been expended for the direct support of that Bishop in his Diocesan work.

31.2.3 Communicants --

31.2.3.1 one-third (1/3) of the amount required to balance the annual Diocesan Operating Budget shall be equal to the sum of the Parishes' third partial tithes. This third partial tithe of each Parish shall be proportional to the number of communicants of that Parish at the end of the previous calendar year relative to the total number of communicants of all the Parishes of this Diocese at the end of the previous calendar year;

31.2.3.2 for purposes of this Canon 31, 'communicant' shall be defined as any confirmed person enrolled and canonically resident in the Parish who attends the Parish regularly (at least once per month except for just cause prevented) and who contributes regularly to the Parish, and also any confirmed dependants of the same who are likewise canonically resident in the Parish. The number of communicants shall be that stated in the Annual Report for the previous calendar year.

31.3 The Diocesan Operating Budget adopted by the annual General Synod for the subsequent Diocesan fiscal year shall reflect projected expenditures of such a sum that a balanced Budget would require the average Parish to tithe to the Diocese more than nine percent (9%) and less than eleven percent (11%) of its previous calendar year's income.

31.4 The previous provisions of this Canon 31 notwithstanding, when a Parish has not been in existence for the entire previous calendar year, the Diocesan Treasurer in preparing the Diocesan Operating Budget may extrapolate its income and expense data to obtain equivalent annual income and expense figures, or a date later than the last day of the previous calendar year may be used as the final date of such Parish's reporting period, or both methods may be employed when the latter method results in a period of less than twelve (12) months. When such later date is used as the final date of such Parish's reporting period, this same later date shall also be used as the date on which to report the number of communicants of that Parish.

31.5 When a Parish has applied for admission into canonical union with this Diocese and the same is issued a Letter of Conditional Admission between annual General

Synods, that Parish shall support this Diocese from the date of such Letter with a monthly tithe calculated by the Diocesan Treasurer in accordance with this Canon 31 on the basis of that Parish being added to those Parishes included in the previous calculation of tithes. Such calculation of tithe for that Parish shall not alter the tithe of any other Parish.

31.6 Each Parish shall promptly remit to the Diocesan Treasurer one-twelfth of that Parish's annual tithe each month.

31.7 The Treasurer of each Parish shall provide the Diocesan Treasurer with the completed Annual Financial Report for that Parish not later than February 28 of each year.

CANON 32
Of Clergy Health Insurance

32.1 Following initial approval of Clergy health insurance by the Synod, the Standing Committee shall adopt a Diocesan Health Insurance Plan with such scope of coverage as it may deem advisable. Once adopted, the Diocesan corporation shall pay the premiums for any Bishop of this Diocese and the participating Clergy canonically resident who have any Cure of Souls in this Diocese, as well as any postulants canonically resident in this Diocese in attendance at an approved seminary of the Anglican Catholic Church. Such premiums shall be paid by the Diocesan Treasurer and shall be included in the annual Diocesan Operating Budget.

32.2 A Bishop or other Clergyman or postulant otherwise eligible may elect not to participate in the Diocesan Health Insurance Plan if he is otherwise covered by reason of secular employment or by prior employment, or participation in the Diocesan Health Insurance Plan might result in a loss of other present coverage or impose a financial hardship. Each such individual case shall be evaluated by the Standing Committee, which shall determine the circumstances under which participation is to be waived and what portion, if any, of the health insurance premium payable by or on behalf of the person in question should be paid by the Diocesan corporation.

32.3 The Diocesan Health Insurance Plan shall be administered by the Diocesan Treasurer.

32.4 A Clergyman may make individual arrangements with the Vestry of his Parish or Mission regarding personal contributions to the portion of the Diocesan premium cost attributable to that Parish or Mission.

CANON 33
Of the Clergy Retirement Plan

33.1 The Synod may by a majority vote of all Delegates present adopt or affiliate with a Clergy Retirement Plan recommended by the Standing Committee.

33.2 The Diocesan Clergy Retirement Plan shall be administered by the Diocesan Treasurer. The Diocese's share of such Retirement Plan contributions shall be paid by the Diocesan corporation and shall be included in the annual Diocesan Operating Budget.

TITLE X -- CHURCH PROPERTY

CANON 34

Of the Property of Congregations

34.1 Any property, real, personal or mixed, which is acquired by or given to or for the benefit of a specified Congregation of this Diocese, and is so described in the Annual Report and carried on the financial records of that Congregation or of the Diocesan corporation or is so held by the trustees of either of them, shall be held for the sole benefit of that Congregation subject to any conditions attached to a gift by the donor.

34.2 The right of every Congregation to lawful control of its temporalities is absolute and shall be forever recognized and protected. Except for arrears of tithes, insurance premiums or retirement plan contributions due and payable under Canons 30 through 33 above, there shall not be asserted by or on behalf of this Diocese any trust or implied trust of property based upon union with this Diocese or of adherence of a Congregation to the Communion of this Church.

34.3 Neither the Bishop nor any officer of this Diocese, acting as such, shall resort to any Civil Court for the purpose of depriving a Congregation in union, or withdrawing from union, with this Diocese of any property or right in property. Disputes between the Diocese and any Congregation concerning Congregational property shall lie exclusively within the jurisdiction of the Consistory Court of this Diocese. However this Canon 34.3 shall not prevent this Diocese or the Bishop or any officer of the Diocese or the Diocesan corporation or any trustee of this Diocese from asserting all appropriate defences and counterclaims in any civil proceeding brought against any of them by or on behalf of any Congregation.

CANON 35

Of the Property of this Diocese

35.1 Any tangible property acquired by or given to this Diocese shall be held either by the Diocesan corporation or in trust by trustees of the Diocese, as appropriate or as required by Civil Law. If Assented to by the Bishop with the concurrent vote of a majority of all seated Delegates to the Synod, the Diocesan corporation or trustees of the Diocese may transfer civil title to such tangible property to a Congregation in union with this Diocese.

35.2 Unless otherwise required by Civil Law or by the conditions of a donor attached to a gift, any monies or intangible property acquired by or given to this Diocese shall, unless tied to specific tangible property held in trust, be held by the Diocesan corporation. If Assented to by the Bishop with the concurrent vote of a majority of all seated Delegates to the Synod, the Diocesan corporation, or if applicable the trustees of the Diocese, may transfer a specified portion of such monies or intangible property to a Congregation in union with this Diocese.

35.3 If Assented to by the Bishop with the concurrent vote of a majority of all seated

Delegates to the Synod, the Diocesan corporation, or if applicable the trustees of the Diocese, may as directed lease, mortgage, encumber or convey title to any tangible or intangible property of this Diocese to any other entity recognized as legal by the applicable Civil Law.

35.4 Any action taken as authorized by this Canon 35 shall be confirmed by written and certified Resolution of the Synod.

CANON 36

Of the Disposition of Property in the Event of Dissolution of this Diocese

In the event of dissolution of this Diocese the Standing Committee shall, after discharging or making provision for the discharge of all just debts and liabilities of the Diocese, dispose or enable the disposition as it shall deem appropriate of all remaining assets of the Diocese by transfer of the same to the Original Province of the Anglican Catholic Church, or to the designee of the Original Province of the Anglican Catholic Church, or, if such transfer is unable to be lawfully effected subject to the terms described below, then in such manner, or to such organization or organizations organized and operated exclusively for religious, educational or charitable purposes, as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future internal revenue law of the United States. Any assets not so disposed of shall be disposed of by and in the discretion of a civil court of competent jurisdiction, exclusively for the benefit of one or more exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future internal revenue law of the United States.

TITLE XI -- REGION OF THE DIOCESE

CANON 37

Of the Geographical Boundaries of this Diocese

The geographical area of The Missionary Diocese of New England shall comprise and it shall exercise its ecclesiastical jurisdiction within: the State of Maine; the State of New Hampshire; the State of Vermont; the Commonwealth of Massachusetts; the State of Rhode Island and Providence Plantations; and the State of Connecticut.

TITLE XII -- AMENDMENT AND VALIDITY OF CANONS

CANON 38

Of the Means of Amending these Canons

38.1 Any proposed amendment to these Canons shall be submitted in writing to the Secretary of the Diocese not less than forty-five (45) days prior to the convening of the Synod at which the proposed action is to be taken. Responsive proposals shall be submitted in writing to the Secretary of the Diocese not less than fourteen (14) days prior to the convening of the Synod. These requirements may be waived by a three-fourths (3/4) affirmative majority vote of the Synod at which action is proposed.

38.2 Except for those Canons listed in Canons 38.3 and 38.4 below, Canons of this

Diocese may be adopted and amended by a concurrent majority vote in each Order of any General or Extraordinary Synod.

38.3 The following Canons shall be amended or added to only by a two-thirds (2/3) majority vote of the Delegates present in each Order, a quorum being present, of two successive annual General Synods or by a three-fourths (3/4) majority vote of the Delegates present in each Order, a quorum being present, of any annual General Synod: 1-3, 7-8, 10-16, 21-29, 31, 35-37, 38.1, 38.2 and 38.3.

38.4 The following Canons may be re-numbered as necessary, and the minimum of necessary changes made to their wording, in accordance with Canon 38.3; however, the following Canons may not be repealed, voided, or amended in any way which would change their substance or dilute or compromise their application: 4, 17-20, 34, 38.4 and 39. The sole exception to this prohibition shall be the case in which the Constitution and Canons of this Church and of this Province have been validly amended so as to require substantive changes in any of the Canons listed in this Canon 38.4. Other Canons may be added to those listed in this Canon 38.4 by vote in accordance with Canon 38.3.

CANON 39 *Of the Validity of these Canons*

Notwithstanding the provisions of Canon 38, no adoption or amendment of any Canon shall be valid to the extent that any provision of such adopted or amended Canon is in conflict with the Constitution and Canons of this Church and of this Province, or is otherwise in conflict with Ecclesiastical Law. The invalidity of any provision of any of these Canons shall not affect the validity of the remaining provisions of such Canon, or of any other Canons or provisions thereof.



