

Constitution and Canons

CANON 17

OF THE TEMPORALITIES OF THE CHURCH IN THIS DIOCESE

Whereas by an Act of the Legislature of the Province of Quebec, passed in the forty-second and forty-third years of Her Majesty's reign, chapter sixty-nine, intituled: "An Act to extend the powers granted to the Provincial Synod of the Anglican Church by the Act of the late Province of Canada, 20 and 30 Vict. chap. 15, to the Diocesan Synod of Quebec, in so far as it relates to Church property in the said Diocese", has power and authority by by-law or Canon, approved by the Lieutenant-Governor in Council to make such repeal, change or amendment of and in all or any of the Acts recited in the preamble of the said Act 29 and 30 Vict. chapt. 15, as they shall deem advisable and necessary for the better and more uniform regulation and management, sale and disposal of all or any of the temporalities of the said Church in the Province of Quebec; therefore it is ordained that, from and after the approval of the Lieutenant-Governor in Council of this Canon, as in the said Act provided, the Act 6 Vict., chap. 32, being one of the Acts so recited, shall, with regard to this Diocese, be amended as follows:

1. Section 2 of the Said Act 6 Vict., chap. 32, is amended by adding thereto the following words: (adopted A.D. 1895 and 1920)

Vestry of Pewed Churches

Provided that no one shall be a member of a Vestry unless he shall have signed in a book provided for the purpose by the Congregation, a declaration that he is a regular attendant on the Services of the Church in the Congregation amongst whom he claims the right to vote;

Provided always that no person shall be allowed to vote in any Vestry meeting who has not signed such declaration at least three months previous to the date at which the meeting is held;

Provided also, that any person claiming the right to vote by virtue of any prior declaration may be required to make the declaration anew, at any vestry meeting at which he proposes to vote;

Provided also, that in any and every case in which a Congregation is acting for the first time under this Canon, it shall suffice that the declaration be signed at the meeting then held.

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Vestry of Free Churches.

In all Churches and Congregations of this Diocese in which the seats are free, the Vestry shall consist of all those male and female members of the Congregation, of the full age of twenty-one (21) years, who shall declare themselves in a book provided for the purpose by the Congregation, to be regular attendants on the Services of the Church in the Congregation amongst whom they claim the right to vote, provided that no person can be a member of more than one Vestry in the Diocese other than the Vestry of any Church which exists during a portion of the year only.

Provided always, that no person shall be allowed to vote at any Vestry meeting who has not signed such declaration at least three months previous to the date at which the meeting is held.

Provided also, that any person claiming the right to vote by virtue of any prior declaration, may be required to make the declaration anew, at any Vestry meeting at which he or she proposes to vote;

Provided also, that in any and every case in which a Congregation is acting for the first time under this Canon, it shall suffice that the declaration be signed at the meeting then held.

2. Section 3 of the said Act 6 Vict., chap. 32 is hereby repealed and the following substituted therefore:

where there are more Churches or Congregations than one in the Parish or Mission, the Incumbent shall hold such meeting for the out-stations at any time within the said month of January, after giving notice thereof on some previous Sunday. In case of the death, resignation in writing to the Incumbent, or change of residence to twenty miles or more from any such Church or Congregation of either of the Church Wardens, or of his ceasing to be a qualified member of the vestry of such church, then a Vestry meeting shall be called within one month for the election by the Vestry of a Warden, if the vacancy be in the office of the elected Warden; and if the vacancy be in the office of the nominated Warden, the Incumbent shall appoint another by giving public notice to that effect in Church or Congregation on some Sunday within one month from the vacancy. Provided always, that if, from any cause a Vestry meeting shall not take place at the time aforesaid, such appointment of Church Wardens may take place at any subsequent Vestry meeting, to be called in the manner provided by section 10 of the said Act 6 Vict., chap. 3

In the case of Congregations worshipping at Cacouna and the Island of Orleans, and similar Congregations which exist during a period of the year only, a meeting of the Congregation shall be called for any day between the twentieth day of July and

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the twentieth day of August in each year, after due notice on one Sunday. All who attend such meeting and declared themselves in writing, in a book provided for that purpose by the Congregation, to be regular attendants on the services of the Church in the Congregation amongst whom they claim the right to vote, shall have the right of electing two members of the Church of England to discharge the duties of Church Wardens.

3. Section 9 of the said Act 6 Vict., chap. 32, is hereby repealed, and the following substituted therefor:

CHURCH WARDENS SHALL ACCOUNT TO VESTRY AND ACCOUNTS BE AUDITED

All Church Wardens, appointed as aforesaid, shall yearly and every year, render in writing a just, true and perfect account at the annual Vestry meeting to be held, or at an adjourned meeting to be held within a fortnight after such annual meeting, fairly entered in a book or books to be kept for that purpose, signed by the said Church Wardens (which book or books shall be the property of the Vestry), of all sums of money by them received, and of sums rated or assessed by the Vestry and remaining unpaid or otherwise due and not received; and also of all goods, chattels and other property of such Church or Parish in their possession as such Church Wardens; and of all monies paid by such Church Wardens so accounting; and all other things concerning their said office; which said account, and book or books, shall have been referred to two or more Auditors, appointed by the annual Vestry meeting. In case of the appointment of a new Church Warden or Church Wardens, the Church Wardens then retiring from office shall pay and deliver over unto such succeeding Church Wardens the book or books, and all sums of money, goods, chattels and other things which shall be in their possession; and the said book or books shall be carefully preserved by such Church Wardens; and they shall and are hereby required to permit any member of such Vestry, as aforesaid, to inspect the same at all reasonable times. In case any retiring Church Wardens shall make default in rendering a correct account as aforesaid or delivering over such books, goods, or other things, as aforesaid, it shall be in the power of the succeeding Church Wardens to take legal proceedings for such default; provided that the same process may be enforced against any Church Warden changing his residence to a distance of twenty miles or more from the church or ceasing to be a qualified member of the Vestry, and against the representatives of any deceased Church Wardens.

4. The following provisions are added to the said Act Vict., chap. 32:

TITLE

(1) For the purposes of the said Act 6 Vict., chap. 32, and of this Canon, the Church of England, by whatever name designated, either in the said Act or in any of the statutes recited or referred to in the preamble of the present Canon, shall be known and designated as the CHURCH OF ENGLAND IN CANADA, being the name adopted therefor by the Provincial Synod.

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(2) For the purpose of the said Act 6 Vict., chap. 32, and of this Canon, in all cases not otherwise provided for, every Clergyman licensed by the Bishop to any sole charge shall be deemed to be the Incumbent or Parson of all churches or Congregations in the district specified in his license.

POWERS

(3) The Incumbent and the Church Wardens of every Church or Congregation in this Diocese, as shall have been duly appointed in virtue of the present or any other Canon of this Diocese, being constituted by the said Act 42-43 Vict., chap. 69, section 2, a corporation, shall as such use the name and style of the Incumbent and Church Wardens of Church or Congregation (designating the Church) at .. and shall represent the interests of such Church or Congregation, and manage the property, belonging to the Church or Congregation for which such Incumbent and such Church Wardens shall have been appointed; and all the powers now vested in the Church Wardens in and by section 12 and in the Church Wardens in conjunction with the Rector or Incumbent, and in and by section 6 of the said Act 6 Vict., chap. 32, shall hereafter be possessed and exercised by the said corporation.

5. The following amendment made to the Act 6 Vict., chap. 32:

SALE OF PEWS

The property in any pew shall not be sold, nor shall any pew be let for a longer period than twelve months, anything in sections 6, 7 and 8 of the said Act 6 Vict., chap. 32, to the contrary notwithstanding.

Approved by the Lieutenant-Governor in Council, February 13th. 1882

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