

CONSTITUTION AND CANONS 2006

**TITLE IV
ECCLESIASTICAL DISCIPLINE**

**EDITOR'S NOTE
REGARDING TITLE IV REVISION AND EFFECTIVE DATES**

The following online version of the Title IV Canons of The Episcopal Church was authorized by the 76th General Convention in Anaheim, July 2009. These Canons were carried over from the 2006 edition and amended by resolution 2009-A058. They remain in effect until June 30, 2011.

After June 30, 2011, this amended 2006 version of Title IV will be superceded by a new Title IV, which was a comprehensively revised and concurred by the same General Convention in resolution 2009-A185.

See the Digital Archives Website for a copy of the comprehensively revised edition at: http://www.episcopalarchives.org/CnC_ToC_2009.html or go to the Website of the General Convention Office: <http://generalconvention.org/gc/publications>.

The published version of Title IV Canons that appears in the *printed* copy of the 2009 Constitution and Canons takes effect as of July 1, 2011. If you have any question about the version of Title IV currently in effect, please consult your diocesan Chancellor or contact The Archives of the Episcopal Church (research@episcopalarchives.org) for an appropriate referral for assistance.

March 26, 2010

**TITLE IV
ECCLESIASTICAL DISCIPLINE**

**CANON 1: Of Offenses for Which Bishops, Priests, or Deacons
May Be Presented and Tried, and Of Inhibitions**

Sec. 1. A Bishop, Priest, or Deacon of this Church shall be liable to Offenses. Presentment and Trial for the following offenses, viz.:

- (a) Crime.
- (b) Immorality.
- (c) Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church.
- (d) Violation of the Rubrics of the Book of Common Prayer.
- (e) Violation of the Constitution or Canons of the General Convention.
- (f) Violation of the Constitution or Canons of the Diocese in which the person is canonically resident.
- (g) Violation of the Constitution or Canons of a Diocese of this Church wherein the person may have been located temporarily.
- (h) Any act which involves a violation of Ordination vows.

(1) If a Charge against a Priest or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Priest or Deacon has disobeyed or disregarded a Pastoral Direction of the Bishop having authority over such person, the Charge must be made by the Bishop giving the Pastoral Direction or by the Ecclesiastical Authority of that Diocese or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, died or is unable to act and shall set out the Pastoral Direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the Charge by the Bishop and the Presentment by the Diocesan Review Committee comply with the foregoing provisions, no finding of a violation based on an act of disregarding a Pastoral Direction of or failing to obey the Bishop having authority over the person charged may be made.

Presentment for violation of ordination vows.

(2) In order for the disregard or disobedience of a Pastoral Direction to constitute a violation of ordination vows the Pastoral Direction must have been a solemn warning to the Priest or Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral Direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine,

Presentment for disregarding a Pastoral Direction.

Discipline or Worship of this Church or the manner of life and behavior of the Priest or Deacon concerned. Upon Trial under any such Presentment, the question of whether the disregard or disobedience of the Pastoral Direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered.

- (i) Habitual neglect of the exercise of the Ministerial Office, without cause; or habitual neglect of Public Worship, and of the Holy Communion, according to the order and use of this Church.
- (j) Conduct Unbecoming a Member of the Clergy.

Temporary
Inhibition.

Sec: 2 (a) If a Priest or Deacon is charged with an Offense or Offenses or serious acts are complained of to the Bishop that would constitute the grounds for a Charge of an Offense, and, in the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Bishop may issue a Temporary Inhibition.

Terms of a
Temporary
Inhibition.

(b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

(c) A Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon.

Diocesan
Review
Committee
hearing.

(d) Any Priest or Deacon against whom a Temporary Inhibition has been issued, modified, or extended may request a hearing concerning the Temporary Inhibition before the Diocesan Review Committee, which shall hear the same at the earliest possible time, but not later than fourteen days after the date of receipt of the request. The Diocesan Review Committee by a two-thirds vote may dissolve or modify the Temporary Inhibition. The Bishop and the Church Attorney shall be given notice of such hearing and shall be permitted to attend and be heard or to designate a representative to attend and be heard.

(e) At any time, a Bishop may dissolve or modify the terms of a Temporary Inhibition.

Conditions to
end Temporary
Inhibition.

(f) A Temporary Inhibition shall continue in force and effect until the earlier of (i) the issuance of an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the allegations, (iii) the refusal of the Diocesan Review Committee to make a Presentment on the Charges alleged, (iv) dissolution of the Temporary Inhibition, (v) imposition of Sentence following a voluntary submission to discipline under Canon IV.2., or (vi) a period of ninety days measured from the date of service of the Temporary Inhibition. *Provided, however,* the ninety-day period may be extended by the Bishop for additional ninety-day periods upon good cause.

(g) In the event that the Temporary Inhibition is dissolved, reduced, or otherwise expires, the Ecclesiastical Authority shall so notify all persons to whom notice of the Temporary Inhibition was given.

Sec. 3. If a Presentment has been made by the Diocesan Review Committee against a Priest or Deacon, or if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving immorality, or if a judgment has been entered against a Priest or Deacon in a civil Court of Record in a cause involving immorality, the Bishop in whose jurisdiction the Priest or Deacon is canonically resident or of the jurisdiction wherein the conviction or judgment has been entered may issue an Inhibition to the Priest or Deacon until after the Judgment of the Ecclesiastical Trial Court becomes final.

Inhibition to be issued in appropriate jurisdiction.

Sec. 4. No Bishop shall issue an Inhibition or Temporary Inhibition except as expressly permitted by this Title.

Sec. 5 (a) If a Bishop is charged with an Offense or Offenses or serious acts are complained of to the Presiding Bishop that would constitute the grounds for a Charge of an Offense and, in the opinion of the Presiding Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Presiding Bishop may issue a Temporary Inhibition. The consent of a majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.

Temporary Inhibition if issued by Presiding Bishop.

(b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reason for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Bishop to be inhibited, and (vii) become effective upon being served upon the Bishop to be inhibited.

Terms of Temporary Inhibition of Bishop.

(c) A Temporary Inhibition may be issued without prior written or oral notice to the Bishop.

(d) Any Bishop against whom a Temporary Inhibition has been issued, modified, or extended may request a hearing concerning the Temporary Inhibition before the Review Committee, which shall hear the same at the earliest possible time, but not later than thirty days after the date of receipt of the request. The Review Committee by a two-thirds vote may dissolve or modify the Temporary Inhibition. The Church Attorney and Presiding Bishop shall be given notice of such hearing and each shall be permitted to attend and be heard or to designate a representative to attend and be heard.

Review Committee hearing.

(e) At any time, the Presiding Bishop may dissolve or modify the terms of a Temporary Inhibition. If the Bishop is a Bishop with jurisdiction, the consent of a majority of All the Members of the Standing Committee shall be required for such a dissolution or modification.

May dissolve or modify terms.

(f) A Temporary Inhibition shall continue in force and effect until the earlier of (i) the issuance of an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the allegations, (iii) the refusal of the Review Committee to make a Presentment on the Charges alleged, (iv) a dissolution of the Temporary Inhibition, (v)

Conditions to end Temporary Inhibition.

imposition of Sentence following a voluntary submission to discipline under Canon IV.2.9, or (vi) a period of one year measured from the date of service of the Temporary Inhibition.

Presiding Bishop may issue inhibition until judgment becomes final.

Sec. 6. If a Presentment has been made by the Review Committee against a Bishop, or if a Bishop has been convicted in a criminal Court of Record in a cause involving immorality, or if a judgment has been entered against a Bishop in a civil Court of Record in a case involving Immorality, the Presiding Bishop may issue an Inhibition to the Bishop until after the Judgment of The Court for the Trial of a Bishop becomes final. The consent of a majority of All the Members of the Standing Committee is required for Bishops with jurisdiction.

Sec. 7: The Temporary Inhibition shall be an extraordinary remedy, to be used sparingly and limited to preventing immediate and irreparable harm to individuals or to the good order of the Church.

CANON 2: Of Voluntary Submission to Discipline

(A) Of a Priest or Deacon

Voluntary Submission.

Sec. 1. If an alleged commission of an Offense has been made known to the Ecclesiastical Authority, or if Charges of an Offense have been filed, or if a Presentment has been issued against a Priest or Deacon, the Priest or Deacon may, with the Consent of the Ecclesiastical Authority, voluntarily submit to the discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Bishop.

Waiver and Voluntary Submission evidenced in writing.

Sec. 2. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which shall contain: (i) the name of the Priest or Deacon, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that the Priest or Deacon is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Priest or Deacon, after opportunity to consult with and obtain advice from independent legal counsel of the Priest or Deacon's choosing. If the Priest or Deacon has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be a Chancellor, a Vice Chancellor, the Church Attorney or a Lay Assessor in that Diocese. The Waiver and Voluntary Submission may be withdrawn by the Priest or Deacon within three days of execution by the Priest or Deacon and thereafter shall be effective and irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard on the Sentence by the Bishop who is to impose and pronounce Sentence prior to the execution of the Waiver and Voluntary Submission.

Other conditions.

Sec. 3. If there be no Bishop of the Diocese and if the Ecclesiastical Authority be not a Bishop, the Ecclesiastical Authority shall designate

a Bishop of a Diocese of the Province to accept the Waiver and Voluntary Submission to discipline and to impose and pronounce the Sentence.

Sec. 4. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and as if all time provided for all required notices and the right of the Priest or Deacon to offer matters of excuse and mitigation had been given and expired.

Sentence.

Sec. 5. No Priest or Deacon shall have the right to appeal the Sentence imposed and pronounced under this Canon to a Court of Review for the Trial of a Priest or Deacon, and the Sentence shall be final for all purposes.

No right to appeal.

Sec. 6. Where a Sentence is to be imposed and pronounced, as a condition of the acceptance of the Waiver and Voluntary Submission to discipline, the Ecclesiastical Authority may require the resignation of the Priest or Deacon from ecclesiastical and related secular offices, and in the case of a Sentence of Deposition, from a Rectorship held by a Priest, upon such terms and conditions as the Ecclesiastical Authority may deem to be just and proper.

Resignation of offices may be required.

Sec. 7. Prior to Presentment, a Priest or Deacon may voluntarily submit to discipline to the Bishop of the Diocese in which that person is canonically resident or the Bishop of the Diocese wherein the commission of the Offense was alleged to have occurred. Subsequent to Presentment, the Priest or Deacon shall voluntarily submit to discipline in the Diocese wherein the Presentment has issued.

May voluntarily submit to discipline.

Sec. 8. In the event that a Sentence is imposed and pronounced by a Bishop other than the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, the Bishop pronouncing Sentence shall immediately so advise the Ecclesiastical Authority of the Diocese of canonical residence.

Advise Ecclesiastical Authority.

(B) Of a Bishop

Sec. 9. If an alleged commission of an Offense has been made known to the Presiding Bishop, or if Charges of an Offense have been filed, or if a Presentment has been issued against a Bishop, the Bishop may, with the consent of the Presiding Bishop, voluntarily submit to the discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Presiding Bishop.

May voluntarily submit to discipline.

Sec. 10. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which shall contain: (i) the name of the Bishop, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that

Written instrument required.

the Bishop is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Bishop, after opportunity to consult with and obtain advice from independent legal counsel of the Bishop's choosing. If the Bishop has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be the Presiding Bishop's Chancellor. The Waiver and Voluntary Submission may be withdrawn by the Bishop within three days of execution by the Bishop and thereafter shall be effective and irrevocable. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard on the Sentence by the Presiding Bishop who is to impose and pronounce Sentence prior to the execution of the Waiver and Voluntary Submission.

Presiding Bishop to pronounce Sentence.

Sec. 11. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and as if all time provided for all required notices and the right of the Bishop to offer matters of excuse and mitigation had been given and expired.

No Right to Appeal under this Canon.

Sec. 12. No Bishop shall have the right to appeal the Sentence imposed and pronounced under this Canon to a Court of Review of the Trial of a Bishop, and the Sentence shall be final for all purposes.

Resignation may be required.

Sec. 13. Where a Sentence is to be imposed and pronounced, as a condition of the acceptance of the Waiver and Voluntary Submission to discipline, the Presiding Bishop may require the resignation of the Bishop from ecclesiastical and related secular offices, upon such terms and conditions as the Presiding Bishop may deem to be just and proper.

Sec. 14. In order to become effective, prior to the imposition and pronouncement of the Sentence, the Review Committee must approve the Sentence without conducting further proceedings.

CANON 3. Of Presentments

(A) Of a Priest or Deacon

Diocesan Review Committee.

Sec. 1. In each Diocese there shall be a Diocesan Review Committee. Each Diocese shall provide by Canon for the establishment of the Diocesan Review Committee. The Canon of a Diocese may designate the Standing Committee as the Diocesan Review Committee. If the Standing Committee is not so designated, the Canon of a Diocese establishing the Diocesan Review Committee shall provide that the Diocesan Review Committee shall (i) include lay persons and Priests or Deacons, the majority of the Diocesan Review Committee to be Priests or Deacons (but by no more than one), and (ii) annually elect from its members a President. In the absence of a Canon of the Diocese establishing a Diocesan Review Committee, the Standing Committee shall serve as the Diocesan Review Committee. A Presentment to the Ecclesiastical Trial Court may be issued only by the Diocesan Review Committee as provided in this Canon.

Sec. 2. A Charge against a Priest or Deacon shall be in writing, verified and addressed to the Diocesan Review Committee of the Diocese wherein the Priest or Deacon is canonically resident, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense.

Filing a Charge.

Sec. 3. A Charge may be made:

Who may Charge.

- (a) by a majority of the lay Members of the Vestry of the Parish of the Respondent; or
- (b) by any three Priests canonically resident in the Diocese wherein the Respondent is canonically resident or canonically resident in the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (c) by any seven adult communicants in good standing as defined in Canon I.17 in the Diocese wherein the Respondent is canonically resident or in the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of that Diocese, or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act; or
- (e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim; or
- (f) in a case where the Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church, only by a majority of the members of the Standing Committee of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense; or
- (g) by a majority of the Standing Committee of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense whenever the Standing Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense; or
- (h) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the Offense, if different from the Diocese of canonical residence.

Sec. 4. If a complaint or accusation is brought to the Bishop by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of

Bishop may appoint Advocate for alleged Victim.

Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian or adult child, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian or adult child so choose. Any alleged Victim or Complainant shall also be entitled to the counsel of an attorney and/or Advocate of their choice.

Entitled to counsel.

Bishop to inform Diocesan Review Committee.

Sec. 5. Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically resident in that Diocese has committed an Offense and the interests and good order and discipline of the Church require investigation by the Diocesan Review Committee, the Bishop shall concisely and clearly inform the Diocesan Review Committee in writing as to the nature of and facts surrounding each alleged Offense but without judgment or comment upon the allegations, and the Diocesan Review Committee shall proceed as if a Charge had been filed.

Priest or Deacon may request inquiry.

Sec. 6. Any Priest or Deacon canonically resident in the Diocese who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may on his or her own behalf complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a Priest or Deacon, it shall be the duty of the Bishop to cause the matter to be investigated and to report the result to the Priest or Deacon.

Sec. 7. Except as expressly provided in this Canon, no Bishop of the Diocese shall prefer a Charge against a Priest or Deacon canonically resident in that Diocese.

Sec. 8. Any Charge against a Priest or Deacon shall be promptly filed with the President of the Diocesan Review Committee.

Sec. 9. Upon the filing of a Charge with the Diocesan Review Committee, the Diocesan Review Committee shall promptly communicate the same to the Bishop and the Respondent.

In cause involving immorality.

Sec. 10. In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause involving immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, the Priest or Deacon shall notify the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any time for appeal has expired. It shall be the duty of the Ecclesiastical Authority to give notice of the conviction or entry of judgment to the Diocesan Review Committee of the Diocese in which the Priest or Deacon is canonically resident in which case, or if the Diocesan Review Committee shall otherwise

have knowledge of such conviction or judgment, it shall be the duty of the Diocesan Review Committee to institute an inquiry into the matter. If the conviction or judgment be established, the Diocesan Review Committee shall issue a Presentment against the Priest or Deacon for Trial. The time periods specified in Canon IV.14.4 shall be tolled until the Priest or Deacon provides the required notification to the Ecclesiastical Authority. Nothing in this section shall prevent Charges from being filed against the Priest or Deacon based on the conviction, judgment, or underlying acts pursuant to Sections 3 or 4.

Sec. 11. Within thirty days after the filing of a Charge, other than a Charge alleging a conviction in a criminal Court of Record in a cause involving immorality or alleging the entry of a judgment in a civil Court of Record in a cause involving immorality, the Diocesan Review Committee shall convene to consider the Charge. If after such consideration the Diocesan Review Committee determines that an Offense may have occurred if the facts alleged be true, the Diocesan Review Committee shall prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney.

Diocesan Review Committee to consider the charge.

Sec. 12. The Church Attorney shall promptly make an investigation of the matter.

Sec. 13. Within sixty days after receipt of the statement from the Diocesan Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential Report to the Diocesan Review Committee of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Diocesan Review Committee. *Provided, however,* the Diocesan Review Committee shall share the report of the Church Attorney with the Bishop of the Diocese.

Church Attorney to render confidential report.

Sec. 14 (a) Within thirty days after the receipt of the report of the Church Attorney, the Diocesan Review Committee shall convene to consider the report and whether or not a Presentment shall issue.

Diocesan Review Committee to deliberate.

(b) In its deliberations, the Diocesan Review Committee may consider the Church Attorney's report, responsible writings or sworn statements pertaining to the matter, including experts' statements, whether or not submitted by the Church Attorney. To assist in its deliberations, the Diocesan Review Committee may itself, or through a subcommittee of its members or others appointed by the Diocesan Review Committee, provide an opportunity to be heard to the Respondent, the alleged Victim, the Complainant or other persons and receive additional evidence which it in its sole discretion deems appropriate.

(c) The Diocesan Review Committee may issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and (ii) the Respondent committed the Offense.

(d) If at any time after a Charge has been made under Canon IV.3.2 a criminal or civil action is brought against the Respondent, the Ecclesiastical Court may, with the consent of the Respondent, suspend proceedings until the conclusion of the criminal or civil action.

Voting provisions to issue Presentment.

Sec. 15 (a) The vote of a majority of All the Members of the Diocesan Review Committee shall be required to issue a Presentment. If the provisions of Canon IV.7.1 apply, the consent of a majority of All the Members of the Diocesan Review Committee of the Diocese in which the Offense is alleged to have occurred must be obtained. No member shall disclose his or her vote or the vote of any member to any person not a member of the Diocesan Review Committee.

(b) In the event that, due to members who have been excused or vacancies in office, the Diocesan Review Committee does not have sufficient voting members to meet the requirements of Sec. 15(a), the action of the Diocesan Review Committee shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.

Contents of Presentment.

Sec. 16. If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of the Diocesan Review Committee on behalf of the Diocesan Review Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or Secretary, or they be absent, a member of the Diocesan Review Committee appointed for that purpose shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement of each separate accusation sufficient to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

Presentment filed and served.

Sec. 17. Promptly after the issuance of a Presentment, the Diocesan Review Committee shall cause the original to be filed with the President of the Ecclesiastical Trial Court with a true copy thereof served upon the Bishop, the Respondent, the Church Attorney and each Complainant, and, unless waived in writing, the alleged Victim, and the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, in which the Respondent is licensed, and in which the Respondent resides. The proceeding commences with the filing of the Presentment with the President of the Ecclesiastical Trial Court.

Decision not to issue Presentment.

Sec. 18. If the Diocesan Review Committee votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Bishop who shall file it with the Secretary of the Convention of the Diocese, the Respondent,

the Church Attorney, each Complainant, and, unless waived in writing, the alleged Victim.

Sec. 19. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except (i) as may be determined to be appropriate by the Ecclesiastical Authority or (ii) as necessary to seek or secure diocesan authority for resolution of the matter or any part thereof. Confidentiality.

Sec. 20. Non-compliance with time limits set forth in this Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing. Noncompliance with time limits.

(B) Of a Bishop Charged with the Offense of Holding and Teaching Publicly or Privately, and Advisedly, Any Doctrine Contrary to that Held by This Church

Sec. 21. (a) For alleged violations of Canon IV.1.1(c) for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, the procedures set out in this section must be followed.

(b) No Presentment for violation(s) of Canon IV.1.1(c) shall be filed unless a Statement of Disassociation from the doctrine alleged to be contrary to that held by this Church has been issued by the House of Bishops. A Request for a Statement of Disassociation shall include a statement of the doctrine alleged to be contrary to that held by this Church, the Bishop or Bishops alleged to have held and taught publicly or privately, and advisedly, that doctrine, and a concise statement of the facts upon which the Request for the Statement of Disassociation is based. The written Request for a Statement of Disassociation from the doctrine alleged, signed by any ten Bishops exercising jurisdiction in this Church, must be filed with the Presiding Bishop together with the proposed Statement of Disassociation and a brief in support thereof. The Presiding Bishop shall thereupon serve a copy of the Request for a Statement of Disassociation upon the Bishop charged, together with the proposed Statement of Disassociation and a copy of the supporting brief. The Presiding Bishop shall fix a date for the filing of a response, and brief in support thereof, within three months from the date of service, and may extend the time for responding for not more than two additional months. Upon the filing of a response and supporting brief, if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and briefs to each member of the House of Bishops. Request for Statement of Disassociation.

The Request for a Statement of Disassociation shall be considered no later than the next regularly scheduled House of Bishops' meeting held at least one month after copies of the Request for a Statement of Disassociation, proposed Statement of Disassociation, response, and Consideration of Request.

briefs are transmitted to each member of the House of Bishops. The House of Bishops may amend the proposed Statement of Disassociation. If a Statement of Disassociation is not issued by the conclusion of the meeting, there shall be no further proceedings under Title IV for holding and teaching the doctrine alleged in the Request for a Statement of Disassociation.

Ten Bishops
may file a
Presentment.

(c) A Bishop may be Presented for an Offense under Canon IV.1.1 (c) and any other Offenses arising out of acts alleged to be contrary to the doctrine of the Church which was the subject of the Statement of Disassociation only upon a written Presentment signed by any ten Bishops exercising jurisdiction in this Church. The Presentment shall be filed with the Presiding Bishop, together with a brief in support thereof, and a statement why the issuance of a Statement of Disassociation was not a sufficient response to the acts alleged, within six months of the issuance of a Statement of Disassociation based upon the same doctrine as was alleged in the Request for a Statement of Disassociation. The Presiding Bishop shall thereupon serve a copy of the Presentment upon the Bishop presented, together with a copy of the supporting brief and statement. The Presiding Bishop shall fix a date for the filing of an answer, brief in support thereof, and statement why the issuance of a Statement of Disassociation was a sufficient response to the acts alleged, within three months from the date of service, and may extend the time for answering for not more than two additional months. Upon the filing of an answer, supporting brief, and statement, if any, or upon the expiration of the time fixed for an answer, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Presentment, answer, briefs, and statements to each member of the House of Bishops. The written consent of one-third of the Bishops qualified to vote in the House of Bishops shall be required before the proceeding may continue. In case the Presiding Bishop does not receive the written consent of one-third of all the Bishops eligible to vote within sixty days of the date the notification by the Presiding Bishop was sent to them, the Presiding Bishop shall declare the Presentment dismissed and no further proceedings may be had thereon.

Presiding
Bishop shall
serve the
Presentment.

Consent
required.

If the Presiding Bishop receives the necessary written consents within sixty days as specified above, the Presiding Bishop shall forthwith forward the Presentment, answer, briefs, and statements to the Presiding Judge of The Court for the Trial of a Bishop for an Offense of Doctrine.

(d) Any Offenses other than those specified in this Section 21 will be governed by Canon IV.3, Sections 22-50.

(C) Of a Bishop Charged with Other Offenses

Presiding
Bishop shall
institute an
inquiry.

Sec. 22. In the case of a Bishop convicted in a criminal Court of Record in a cause involving immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, it shall be the duty of the Presiding Bishop to institute an inquiry into the matter. If the conviction or judgment be established, the Presiding

Bishop shall cause the Chancellor to the Presiding Bishop to prepare a Presentment, which the Presiding Bishop shall sign and issue against the Bishop for Trial. The Bishop shall notify the Presiding Bishop, in writing, of such conviction or entry of judgment, within thirty days thereof, whether or not any time for appeal has expired. The time periods specified in Canon IV.14.4 shall be tolled until the Bishop provides the required notification to the Presiding Bishop. Nothing in this section shall prevent Charges from being filed against the Bishop based on the conviction, judgment, or underlying acts pursuant to Section 23(a).

Sec. 23 (a) A Bishop may be charged with any one or more of the Offenses other than Offenses specified in Canon IV.3.21(c) by

Who may charge Bishop with Offenses.

- (1) three Bishops; or
- (2) ten or more Priests, Deacons, or adult communicants of this Church in good standing, of whom at least two shall be Priests. One Priest and not less than six Lay Persons shall be of the Diocese of which the Respondent is canonically resident; or
- (3) in a case when the Offense alleged is the Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, as specified in (1) or (2) or by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim.

(b) Whenever the Presiding Bishop has sufficient reason to believe that any Bishop has committed an Offense and the interests and good order and discipline of the Church require investigation by the Review Committee, the Presiding Bishop shall concisely and clearly inform the Review Committee in writing as to the nature and facts surrounding each alleged Offense but without judgment or comment upon the allegations, and the Review Committee shall proceed as if a Charge had been filed.

(c) A Bishop who shall have reason to believe that there are in circulation rumors, reports, or allegations affecting such Bishop's personal or official character, may, acting in conformity with the written advice and consent of any two Bishops of this Church, demand in writing of the Presiding Bishop that investigation of said rumors, reports, and allegations be made. It shall be the duty of the Presiding Bishop to cause the matter to be investigated and report the results to the requesting Bishop.

A Bishop may demand investigation with consent of any two Bishops.

Sec. 24. A Charge against a Bishop shall be in writing, verified and addressed to the Presiding Bishop, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense.

Charge to be in writing.

Sec. 25. If a complaint or accusation is brought to the Presiding Bishop by any adult who is (i) the alleged Victim, or (ii) a parent or guardian

Advocate for alleged Victim.

Entitled to
counsel.

of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim, of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Presiding Bishop, after consulting with the alleged Victim, the alleged Victim's spouse or adult child, or the alleged Victim's parent or guardian, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, adult child, parent or guardian so choose. Any alleged Victim or Complainant shall also be entitled to the counsel of an attorney and/or Advocate of their choice.

Review
Committee.

Sec. 26. Any Charge against a Bishop shall be filed with the Presiding Bishop who shall promptly communicate the same to the Respondent. The Presiding Bishop shall forward the Charge to the Review Committee at such time as the Presiding Bishop shall determine or when requested in writing by the Complainant or Respondent after 90 days of receipt of the charge by the Presiding Bishop.

Sec. 27. There shall be a Review Committee consisting of five Bishops of this Church, two Priests, and two confirmed adult lay communicants of this Church in good standing. Five Bishops shall be appointed by the Presiding Bishop at each regular meeting of General Convention, to serve until the adjournment of the succeeding regular meeting of General Convention. Two Priests and two adult lay communicants shall be appointed by the President of the House of Deputies at each regular meeting of General Convention to serve until the adjournment of the succeeding regular meeting of General Convention. All Committee members shall serve until their successors are appointed and qualify. *Provided, however,* there shall be no change in composition of a Review Committee as to a proceeding pending before it, while that proceeding is unresolved.

Review
Committee
vacancy.

Sec. 28. The Review Committee shall, from time to time, elect from its own membership a President and a Secretary.

Sec. 29. The death, disability rendering the person unable to act, resignation or declination to serve as a member of the Review Committee shall constitute a vacancy on the Committee. The recusal or disqualification of a member of the Review Committee from consideration of a particular Charge or matter shall constitute a temporary vacancy on the Committee.

Sec. 30. Notice of resignations, declinations to serve or recusal shall be given by the members of the Committee in writing to the President.

Sec. 31. If any Priest appointed to the Review Committee is elected a Bishop, or if any lay person appointed to the Review Committee is ordained, that person shall immediately cease to be a member of the Committee. If either event occurs following the filing of a Charge or referral of a matter for investigation or other action, the person may

continue to serve until the completion of the investigation or of the consideration of that Charge or matter.

Sec. 32. A vacancy occurring in the Review Committee shall be filled as follows: Filling a vacancy.

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Committee member, the Presiding Bishop in the case of Bishops and the President of the House of Deputies in the case of Priests or lay persons shall appoint a person to fill the temporary vacancy, the replacement being of the same order as the order in which the vacancy exists.

(b) In the case of a vacancy in the Review Committee, the Presiding Bishop in the case of Bishops and the President of the House of Deputies in the case of Priests or lay persons shall have power to fill such vacancy until the next General Convention, the replacement being of the same order as the order in which the vacancy exists. The persons so chosen shall serve during the remainder of the term.

Sec. 33. The Church Attorney for the proceedings before the Review Committee shall be the Church Attorney appointed by the Court for the Trial of a Bishop pursuant to Canon IV.5.11 to serve at the discretion of the Review Committee.

Sec. 34. The Review Committee may appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult lay communicants of this Church in good standing, to serve during the pleasure of the Committee. Clerks.

Sec. 35. The Review Committee shall appoint at least one but not more than three Lay Assessors. Lay Assessors shall have no vote. Lay Assessors.

Sec. 36. The members of the Review Committee may be challenged by the Respondent or the Church Attorney.

Sec. 37. The Review Committee may adopt and publish rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time. May adopt rules of procedure.

Sec. 38. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Presiding Bishop. Confidentiality.

Sec. 39. Not less than five of the Review Committee members of whom at least two shall be Bishops shall constitute a quorum, but any lesser number may adjourn the Review Committee from time to time. Quorum.

Sec. 40. Within sixty days after receiving a Charge, the Review Committee shall convene to consider the Charge. If after such consideration the Review Committee determines that an Offense may have occurred if the facts alleged be true, the Review Committee shall Consideration and preparation of a Charge.

prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney.

Sec. 41. The Church Attorney shall promptly make an investigation of the matter.

Confidential Report.

Sec. 42. Within one hundred twenty days after receipt of the statement from the Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential report to the Review Committee of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Review Committee. *Provided, however,* the Review Committee shall share the Report of the Church Attorney with the Presiding Bishop.

Sec. 43 (a) Within forty-five days after the receipt of the report of the Church Attorney, the Review Committee shall convene to consider the report and whether or not a Presentment shall issue.

(b) In its deliberations, the Review Committee may consider the Church Attorney's report, responsible writings or sworn statements pertaining to the matter, including experts' statements, whether or not submitted by the Church Attorney. To assist in its deliberations, the Review Committee may provide an opportunity to be heard to the Respondent, the alleged Victim, the Complainant or other persons and receive additional evidence which it in its sole discretion deems appropriate.

May issue presentment.

(c) The Review Committee may issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and (ii) the Respondent committed the Offense.

Majority required.

Sec. 44 (a) A majority of All the Members of the Review Committee shall be required to issue a Presentment. No member shall disclose his or her vote or the vote of any member to any person not a member of the Review Committee.

(b) In the event that, due to vacancies or temporary vacancies in office, the Review Committee does not have sufficient voting members to meet the requirements of this Section, the action of the Review Committee shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.

Church Attorney to prepare Presentment.

(c) When the Review Committee votes to issue a Presentment it shall cause the Church Attorney to prepare the Presentment.

Decision shall be in writing.

Sec. 45. If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of the Review Committee on behalf of the Review Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or

Secretary, or if they be absent, a member of the Review Committee appointed for that purpose by the Review Committee shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one; and (ii) a plain and concise factual statement of each separate accusation sufficient to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

Sec. 46. If the Review Committee votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Respondent, the Church Attorney, each Complainant, the alleged Victim, unless waived in writing, and the Presiding Bishop who shall file it with the Secretary of the House of Bishops.

Explanation required if Presentment not issued.

Sec. 47. Promptly after the issuance of a Presentment, the Review Committee shall cause the original to be filed with the Presiding Judge of the Court for the Trial of a Bishop with a true copy thereof served upon the Presiding Bishop, the Respondent, each Complainant, and, unless waived in writing, the alleged Victim. The proceeding commences with the filing of the Presentment with the Presiding Judge of the Court for the Trial of a Bishop.

Presentment filed and served.

Sec. 48. [reserved]

Sec. 49. If the Presiding Bishop is a Complainant, except in a case of a Bishop convicted in a criminal Court of Record in a cause involving immorality or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, or if the Presiding Bishop is the Respondent, is disabled, or otherwise unable to act, the duties of the Presiding Bishop under this Canon shall be performed by the presiding officer of the House of Bishops. If the presiding officer is similarly unable to act, such duties shall be performed by the Secretary of the House of Bishops.

If Presiding Bishop is Complainant or Respondent.

Sec. 50. Non-compliance with the time limits or any procedural requirements set forth in this Canon shall not be grounds for the dismissal of a Presentment unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

Noncompliance.

Sec 51. The reasonable and necessary expenses of the Review Committee, including but not limited to, the fees, costs, disbursements and expenses of the Members, Clerks, Church Attorney, Lay Assessors and Reports shall be charged upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the President of the Review Committee. The Review Committee shall have the authority to contract for and bind the General Convention to payment of these expenses.

Expenses.

CANON 4: Of Diocesan Courts, and Courts of Review for the Trial of a Priest or Deacon, Their Membership and Procedure

(A) Diocesan Courts for the Trial of a Priest or Deacon

Ecclesiastical Court established.	Sec. 1. In each Diocese there shall be an Ecclesiastical Court for the Trial of any Priest or Deacon subject to its jurisdiction, and it shall be the duty of each Diocese to provide by Canon for the establishment of the Court and the mode of conducting Trials of the same; <i>Provided, however,</i> that the provisions of this Canon shall be included therein.
Organization of Court.	Sec. 2. The Canon of a Diocese establishing an Ecclesiastical Trial Court shall make provision for a Church Attorney and shall provide that the Court shall: (i) be elected by the Convention of the Diocese, (ii) include lay persons and Priests or Deacons, the majority of the Court to be Priests or Deacons (but by no more than one), and (iii) annually elect from its members a Presiding Judge within two months following the Diocesan Convention.
Court vacancy.	Sec. 3. The provisions of Canon IV.14 shall apply to each Diocesan Ecclesiastical Trial Court. Sec. 4. The death, disability rendering a person unable to act, resignation or declination to serve as a member of an Ecclesiastical Trial Court shall constitute a vacancy on the Court.
Disqualification of Court member.	Sec. 5. Notice of resignations or declinations to serve shall be given by members of the Court in writing to the Presiding Judge of the Court. Sec. 6. If any Priest elected to an Ecclesiastical Trial Court is elected a Bishop, or if any lay person elected to an Ecclesiastical Trial Court is ordained prior to the commencement of a Trial, that person shall immediately cease to be a member of the Ecclesiastical Trial Court. If either event occurs following the commencement of a Trial, the person shall continue to serve until the completion of the Trial and the rendering of a Judgment thereon.
Filling vacancies.	Sec. 7. Vacancies, other than for cause under Section 8 of this Canon, occurring in any Ecclesiastical Trial Court shall be filled as provided by Diocesan Canon.
System of challenge.	Sec. 8. The canons of each Diocese may provide a system of challenge as to the members of the Ecclesiastical Trial Court and the filling of vacancies arising therefrom. If the canons of a Diocese make no provisions for Challenge, the members of the Ecclesiastical Trial Court may be challenged by either the Respondent or the Church Attorney for cause stated to the Court. The Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by challenges determined by the Court shall be filled by majority vote of the Court from persons otherwise qualified for election under the diocesan canons. Vacancies filled by the Court shall be from the same order as the person challenged was when first elected to the Court.
Rules to govern procedure.	Sec. 9. An Ecclesiastical Trial Court shall be governed by the Rules of Procedure set forth in Appendix A to this Title and such other

procedural rules or determinations as the Ecclesiastical Trial Court deems appropriate and not inconsistent with this Title.

Sec. 10. The Ecclesiastical Trial Court shall be governed by the Federal Rules of Evidence in the conduct of the Trial.

Sec. 11. Each Ecclesiastical Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Priests or Deacons or adult lay communicants in good standing of this Church and who shall serve at the pleasure of the Court. Clerks.

Sec. 12. Each Ecclesiastical Trial Court shall appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court. Reporter.

Sec. 13. Each Ecclesiastical Trial Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Ecclesiastical Trial Court an opinion on any question of law, procedure or evidence. Lay Assessors.

Sec. 14 (a) The Ecclesiastical Trial Court shall keep a complete and accurate record of its proceedings. When all proceedings on a Presentment have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record. Record of Proceedings.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church. Delivery to Archives.

Sec. 15. The Ecclesiastical Trial Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection. In every Trial the Court may regulate the number of counsel who may address the Court or examine witnesses. Respondent to be heard.

Sec. 16 (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment.

(b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with the Rules of Procedure. Court to issue summons within three months.

(c) The Respondent's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; *Provided*, that for sufficient cause the Court may adjourn from time to time; and *Provided, also*, that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense. Respondent's answer to be recorded.

(d) If the Respondent fails or refuses to answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for Summary Judgment of Offense in accordance with Nonappearance of Respondent.

the Rules of Procedure. If the motion is granted, the Bishop shall be notified, and the Respondent shall be given notice that Sentence of Admonition, Suspension or Deposition will be adjudged by the Court and pronounced by the Bishop at the expiration of thirty days after the date of the Notice of Sentence, or at such convenient time thereafter as the Bishop shall determine. Sentence of Admonition, Suspension or of Deposition from the Ordained Ministry may, thereafter, be adjudged by the Court and pronounced by the Bishop.

Church Attorney shall appear.

Sec. 17. In all Ecclesiastical Trials, the Church Attorney shall appear on behalf of the Diocese, which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant and alleged Victim shall be entitled to be present throughout and observe the Trial and each may be accompanied by counsel and another person of his or her own choosing.

Proposed instructions.

Sec. 18. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and shall instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed not to have committed the Offense alleged until established by clear and convincing evidence, and unless such standard of proof be met the Presentment must be dismissed, and (ii) that the burden of proof to establish the Respondent's commission of the Offense is upon the Church Attorney in the name of the Diocese.

Two-thirds vote needed for Judgment.

Sec. 19. A separate vote shall be taken first upon the findings as to the commission of an Offense by the Respondent.

Sec. 20. For a Judgment that the Respondent has committed an Offense, the affirmative vote of two-thirds of the Members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.

Voting on the Sentence.

Sec. 21. The Presiding Judge shall cause the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim to be advised of and provided with a copy of the findings of the Court.

Sec. 22. No vote shall be taken on the Sentence to be imposed until at least 30 days after the Respondent, Church Attorney, each Complainant and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence.

Sec. 23. All matters in excuse or mitigation or comments on the Sentence shall be served on the Respondent, Church Attorney, Complainants and, unless waived in writing, the Victim. The Court shall provide a reasonable time for responses to the Court which shall

also be served as provided above. The Court may schedule hearings on the submissions.

Sec. 24. The concurrence of two-thirds of the Members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary to adjudge and impose a Sentence upon a Respondent found to have committed an Offense.

Two-thirds vote needed to impose Sentence.

Sec. 25. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent and the decision so signed shall be recorded as the Judgment of the Court.

Sec. 26. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 27. The Judgment and any Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, the Respondent, each Complainant, and, unless waived in writing, the Victim.

Communication of Judgment.

(B) Appeals to Courts of Review for the Trial of a Priest or Deacon

Sec. 28. The Ecclesiastical Authority of the jurisdiction within which a Trial was held shall cause written notice to be served on the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim of (i) the Judgment, (ii) the Sentence adjudged, and (iii) the Sentence to be pronounced by the Bishop. Within thirty days after the service of that notice the Respondent may appeal to the Court of Review by serving a written notice of appeal on the Ecclesiastical Authority of that jurisdiction and a copy on the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review. The notice shall be signed by the Respondent or the Respondent's counsel and shall briefly set forth the decision from which the appeal is taken and the grounds of the appeal, and a copy of the decision of the Trial Court shall be attached.

Respondent may appeal.

Sec. 29. After Judgment by an Ecclesiastical Trial Court, the Bishop shall not pronounce Sentence on the Respondent before the expiration of thirty days after the Respondent shall have been served as set forth in Section 28 with the notice of the decision of the Court and the Sentence adjudged, nor, in case an appeal is taken, shall Sentence be pronounced pending the hearing and final determination thereof.

Pronouncement of Sentence.

Sec. 30. In each of the Provinces there shall be a Court of Review of the Trial of a Priest or Deacon, which shall be composed of a Bishop of the Province, three Priests canonically resident in Dioceses within the Province, and three Lay Persons who are adult communicants of this Church in good standing, having domicile in the Province; at least two of the Lay Persons shall be learned in the law.

Court of Review.

- Mode of electing Judges. Sec. 31. During the period between General Conventions, each Provincial Synod shall elect the Judges of the Court of Review in the Province. The Synod shall prescribe the time and the manner in which such Judges shall be elected. The persons so elected, except in case of death, resignation, or declination to serve, shall continue to be members of the Court for such terms as the Synod may set and until their successors shall be elected. The Bishop elected by the Synod shall be the Presiding Judge of the Court.
- Conditions for disqualification. Sec. 32 (a) No person shall sit as a member of any Court of Review who is excused pursuant to Canon IV.14.13; nor shall any Bishop, Priest, or Lay Member who for any reason upon objection made by either appellant or appellee is deemed by the other members of the Court to be disqualified.
- (b) The death, disability rendering the person unable to act, resignation, or declination to serve as a member of a Court of Review shall constitute a vacancy in the Court of Review.
- Resignations. (c) Notices of resignations or declinations to serve shall be given as follows:
- (1) By the Presiding Judge of the Court of Review of the Trial of a Priest or Deacon; by written notice sent to the President of the Provincial Synod.
 - (2) By a Priest or Lay Member of the Court, by written notice sent to the Presiding Judge of the Court.
- Change of Order. (d) If any Priest appointed to the Court of Review is elected a Bishop, or if any Lay Member appointed to the Court of Review is ordained to the ministry prior to the hearing of the appeal, the person shall immediately cease to be a member of the Court of Review. If either event occurs following the hearing of the appeal, the person shall continue to serve until the completion of the appeal and the rendering of a decision by the Court of Review.
- Filling vacancies. Sec. 33. Vacancies occurring in the Court of Review shall be filled as follows:
- (a) In the case of a vacancy in the office of the Bishop elected as a member of the Court of Review, the President of the Provincial Synod shall give written notice thereof to the Bishop with jurisdiction senior by consecration in the Province. Thereupon the Bishop so notified shall become a member of the Court until a new election is made. If the Bishop so appointed is unable or unwilling to serve as a member of the Court, notification shall be given by the Bishop to the President of the Provincial Synod of this fact, who shall thereupon appoint the Bishop with jurisdiction next senior by consecration in that Province who is willing and able to serve.
 - (b) In case any vacancy shall exist in the membership of the Court of Review's Priests or Deacons or Lay Members, the remaining Judges of the Court shall appoint another person similarly.

domiciled or canonically resident in the Province from the same order to fill such vacancy.

Sec. 34. The several Courts of Review are vested with jurisdiction to hear and determine appeals from decisions of Ecclesiastical Trial Courts in Dioceses within that Province in Ecclesiastical Trials of Priests or Deacons. Jurisdiction of Court.

Sec. 35. The Respondent may take an appeal to the Court of Review of the Province within which an Ecclesiastical Trial was held from a Judgment. The right of appeal is solely that of the Respondent, except as provided in Section 36 of this Canon. Right of appeal.

Sec. 36 (a) Upon the written request of at least two Bishops of other jurisdictions within the Province, the Ecclesiastical Authority of the Diocese within which a Trial was held shall appeal from a decision of the Ecclesiastical Trial Court that the Respondent had not committed an Offense involving a question of Doctrine, Faith, or Worship; *Provided, however,* that such appeal shall be on the question of the Church's Doctrine, Faith, or Worship only, and that the decision of the Court of Review shall not be held to reverse the finding of the non-commission of an Offense by the Respondent on other Charges. An appeal by the Standing Committee can be taken only when there is a vacancy in the office of Bishop or in case the Bishop is unable to act. Appeal.

(b) An appeal under this Section may be taken by the service by the appellant of a written notice of appeal upon the Respondent, and also upon the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review, within thirty days after the decision from which the appeal is taken.

Sec. 37. If the Ecclesiastical Trial was held in a Diocese not specified in Canon I.9.1, the appeal shall lie to the Court of Review of the Province which is geographically closest to that Diocese or is otherwise most appropriate as determined by the Presiding Bishop. Appeal if Diocese is nonprovincial.

Sec. 38. An appeal shall be heard upon the Record on Appeal of the Ecclesiastical Trial Court. Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review.

Sec. 39. The Presiding Judge of the Court of Review of the Province having jurisdiction, within ninety days but not less than sixty days after having received the Record on Appeal, shall appoint a time and place within such Province for the hearing of the appeal. At least thirty days prior to the day appointed, the Presiding Judge shall give written notice of such time and place to the other members of the Court, and also to the Respondent, and to the Bishop and Diocesan Review Committee of the Diocese in which the Ecclesiastical Trial was held. Appointment of time and place to hear appeal.

Sec. 40. It shall be the duty of the Ecclesiastical Trial Court to prepare a copy of the Record on Appeal of the Ecclesiastical Trial as transcribed, to be printed or otherwise reproduced as shall be Record on Appeal.

permitted by the Presiding Judge of the Court of Review. Within thirty days after receiving the copy of the Record on Appeal, the appellant shall serve two copies of the Record on Appeal, the notice of appeal and the appellant's brief, if any, upon the opposite party, and shall deliver seven copies of each to the Presiding Judge of the Court for the use of the Judges.

The appellee shall serve the appellee's brief, if any, on the appellant with seven copies to the Presiding Judge of the Court of Review not later than thirty days following the service upon the appellee of the record, notice of appeal and appellant's brief. Any reply brief shall be served likewise within ten days following service of the prior brief upon the party.

Sec. 41. The Diocesan Review Committee of the Diocese which issued the Presentment shall be deemed to be the opposite party for the purpose of this appeal.

Court to
organize with at
least six Judges.

Sec. 42. At the time and place appointed, the Court shall organize, and proceed to hear the appeal; *Provided, however,* that at least six Judges, of whom the Presiding Judge of the Court shall be one, shall participate in the hearing. But the members present, if less than that number, may adjourn the Court from time to time, until the requisite number of Judges are present.

Clerks.

Sec. 43. The Court of Review shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Priests canonically resident in a Diocese of that Province or adult lay communicants in good standing of this Church residing in the Province, to serve at the pleasure of the Court.

Lay Assessors.

Sec. 44. The Court of Review shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.

Reporter.

Sec. 45. The Court of Review shall appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court.

Rules of
procedure.

Sec. 46. The Court of Review shall be guided by the Rules of Appellate Procedure in Appendix B to this Title and may adopt rules of procedure not inconsistent with the Constitution and Canons of the Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Respondent to
be heard.

Sec. 47. The Court of Review shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection but may regulate the number of counsel who may address the Court and shall permit the Church Attorney to be heard.

Record to be
kept.

Sec. 48 (a) The Court of Review shall keep a complete and accurate record of all its proceedings. When all proceedings on an appeal have been concluded, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason,

by majority vote the Court shall designate another member to certify the record.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.

Sec. 49. No determination or Judgment of any Ecclesiastical Trial Court shall be disturbed for technical errors not going to the merits of the case.

Sec. 50. The Court may reverse or affirm in whole or in part the determination or Judgment of the Ecclesiastical Trial Court, or, if in its opinion justice shall so require, may grant a new Trial. If after having been duly notified, the appellant fails to appear, and no sufficient excuse be shown, the Court, in its discretion, may dismiss the appeal for want of prosecution, or may proceed to hear and determine the appeal in the appellant's absence.

Power of Court to dispose of case.

Sec. 51. The concurrence of five members of a Court of Review shall be necessary to pronounce a judgment. The judgment or decision of the Court shall be in writing, signed by the members of the Court concurring therein, and shall distinctly specify the grounds of the decision and shall be attached to the record. If the concurrence of five of the members cannot be obtained, that fact shall be stated in the record, and the determination or Judgment of the Trial Court shall stand as affirmed except as to any reversal in part in which there has been concurrence. Immediately after the determination of the appeal, the Presiding Judge of the Court shall give notice thereof in writing to the appellant and appellee and to the Bishop and the Diocesan Review Committee of the Diocese in which the Trial was had.

Concurrence necessary to pronounce a judgment.

Sec. 52. The Court of Review shall not pronounce Sentence on the affirmation of a Judgment. When the appeal is so finally determined, if the decision of the Ecclesiastical Trial Court be affirmed in whole or in part, upon receipt of the record and the Judgment or decision of the Court of Review by the Ecclesiastical Authority of the jurisdiction of the Trial Court, the Respondent shall be sentenced in accordance with Canon IV.12.

Sentence.

Sec. 53. The necessary charges and expenses of the Court of Review, including the necessary expenses of the members of the Court, Lay Assessors, Reporters and Clerks and the reasonable and necessary out-of-pocket disbursements and expenses, except the cost of printing any records or briefs, shall be a charge upon the Province and shall be paid by the Treasurer of the Synod of that Province upon the order of the President of the Synod. Any legal fees and other disbursements of the Church Attorney shall be the responsibility of the Diocese in which the Trial was held, unless the Trial was held as a service or convenience to a Diocese from which the Presentment issued, in which case the responsibility therefor shall be that of the Diocese from which the Presentment was issued.

Expenses.

CANON 5: Of the Court for the Trial of a Bishop

Jurisdiction.

Sec. 1. The Court for the Trial of a Bishop is vested with jurisdiction to try a Bishop who is duly Presented for one or more Offenses not including the Offense in Canon IV.1.1(c). The Court for the Trial of a Bishop for an Offense of Doctrine is vested with jurisdiction to try a Bishop who is duly Presented for one or more Offenses pursuant to Canon IV.3.21(c).

Composition.

Sec. 2. The Court for the Trial of a Bishop shall consist of five Bishops of this Church, two Priests, and two confirmed adult lay communicants of this Church in good standing. Five Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the next regular meeting of General Convention. Two Priests and two confirmed adult lay communicants of this Church in good standing shall be elected by the House of Deputies at each regular meeting of General Convention, to serve until the adjournment of the next regular meeting of General Convention.

Mode of electing Judges.

Sec. 3. The Court for the Trial of a Bishop for an Offense of Doctrine shall consist of nine Bishops of this Church. Three Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention.

Term of service.

Sec. 4. All Judges shall serve until their successors are elected and qualify; *Provided, however,* there shall be no change in the composition of a Court as to a proceeding pending before it, while that proceeding is unresolved except as specified in Canon IV.5.5.

Conditions for disqualification.

Sec. 5 (a) No Judge shall sit as a member of a Court who is a Complainant, or is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV.14.13; nor shall any Judge sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.

(b) The death, permanent disability rendering the person unable to act, resignation or declination to serve as a member of a Court shall constitute a vacancy in that Court. The recusal or disqualification of a member of a Court from consideration of a particular Presentment shall constitute a temporary vacancy in that Court.

(c) Notices of resignations or declinations to serve shall be given by any Bishop chosen to serve as a member of the Court for the Trial of a Bishop or Court for the Trial of a Bishop for an Offense of Doctrine by written notice sent to the Presiding Bishop.

(d) Notices of resignation or declinations to serve shall be given by any Priest or Lay Person chosen to serve as a member of the Court for the Trial of a Bishop by written notice sent to the President of the House of Deputies.

(e) Notices of recusal shall be given by a Judge to the Presiding Judge.

Sec. 6. Each Court shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding before a Court the Presiding Judge is disqualified or is for any cause unable to act, that Court shall elect from its members a Presiding Judge pro tempore.

Presiding Judge.

Sec. 7. When a Court is not in session, if there is a vacancy in the office of the Presiding Judge, the Bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.

Filling vacancies.

Sec. 8. Vacancies occurring in a Court shall be filled as follows:

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining Judges may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused or disqualified Judge participated in any proceedings other than consideration of whether any Judge should be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder of that case.

(b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill such vacancy until the next General Convention, when the House of Bishops shall choose a Bishop to fill a vacancy of a Bishop and the House of Deputies shall choose a Priest or Lay Person, respectively, to fill a vacancy of a Priest or Lay Person. The person so chosen shall serve during the remainder of the term.

Sec. 9. Not less than five of the Judges shall constitute a quorum, but any lesser number may adjourn the Court from time to time.

Quorum.

Sec. 10 (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment. If the Presentment is issued pursuant to Canon IV.3.2.1 (c) the Presiding Judge shall also send a copy of the supporting briefs, answer, and statements.

Presiding Judge to send Presentment.

(b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge's receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with the Rules of Procedure.

(c) Court proceedings at which the Respondent and Church Attorney are to appear shall be held within the Diocese of the accused Bishop, or within the Diocese where the accused Bishop lives or serves, at the discretion of the Court. The Court may, for good cause, appoint another place for any such proceedings or conduct such proceedings by telephone conference provided that all participants can hear and be heard by all other participants in the telephone conference.

Location of Court proceedings.

Sec. 11. Within three months following each regular meeting of General Convention, the Court shall appoint a Church Attorney to serve until the next regular meeting of General Convention and until

Church Attorney.

a successor is duly appointed and qualified, and from time to time for good cause and upon the request of the Church Attorney, appoint one or more assistant Church Attorneys to act for and in the place of the Church Attorney.

- Clerks. **Sec. 12.** The Court shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult lay communicants in good standing of this Church, to serve at the pleasure of the Court.
- Reporter. **Sec. 13.** The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve at the pleasure of the Court.
- Lay Assessors. **Sec. 14.** The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.
- Bishops may select Church Attorney. **Sec. 15.** If the Presentment is issued pursuant to Canon IV.3.21(c), the ten Bishops of this Church exercising jurisdiction who signed the Presentment may select a Church Attorney, subject to confirmation of their selection by the Court, which confirmation shall not be unreasonably withheld.
- Sec. 16.** In all cases, the Church Attorney, or the assistants to the Church Attorney shall appear in behalf of the Church. The Church shall then be considered the party on one side, and the Respondent the party on the other.
- Rules of procedure. **Sec. 17.** The Court shall be governed by the Rules of Procedure set forth in Appendix A to this Title, and such other procedural rules or determinations as the Court deems appropriate and not inconsistent with this Title.
- Sec. 18.** The Court shall be governed by the Federal Rules of Evidence.
- Respondent to be heard. **Sec. 19.** The Court shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court or examine witnesses.
- Response to be recorded. **Sec. 20 (a)** The Respondent's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; *Provided*, that for sufficient cause the Court may adjourn from time to time, and *Provided, also*, that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense.
- Nonappearance. **(b)** If the Respondent fails or refuses to answer or otherwise enter an appearance, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for Summary Judgment of Offense. If the motion is granted, the Respondent shall be given notice that Sentence will be adjudged and pronounced by the Court at the expiration of thirty days after the date of the Notice of Sentence, or at such convenient time

thereafter as the Court shall determine. Sentence may thereafter be adjudged and pronounced by the Court.

Sec. 21. The Complainant and the alleged Victim shall each have the right to be present throughout and observe the Trial and to be accompanied by counsel and one other person of his or her choosing.

Complainant's rights.

Sec. 22. The Respondent being present, the Trial shall proceed in accordance with this Canon. The Respondent shall in all cases have the right to be a defense witness, subject to cross-examination in the same manner as any other witness. No testimony shall be received at the Trial except from witnesses who have signed a declaration in the following words or the Oath provided by the Federal Rules of Evidence, to be read aloud before the witness testifies and to be filed with the records of the Court.

Respondent's rights.

"I, A.B., a witness on the Trial of a Presentment against the Right Reverend _____, a Bishop of the Episcopal Church, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth, so help me God."

Declaration of witnesses.

Sec. 23. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Court, after consultation with the Lay Assessors, shall instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed not to have committed the Offense alleged until established by clear and convincing proof, and unless the standard of proof be met the Presentment must be dismissed, and (ii) that the burden of proof to establish the Respondent's commission of the Offense is upon the Church.

Presiding Judge to instruct Court.

Sec. 24. Separate and distinct votes shall be taken first upon the findings as to the commission of an Offense by the Respondent, and, if the Respondent be found to have committed an Offense, then upon the Sentence to be imposed.

Voting on findings and sentences.

Sec. 25. For a Judgment that the Respondent has committed an Offense, the affirmative vote of two-thirds of the members of the Court shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.

Two-thirds vote needed for Judgment.

Sec. 26. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 27. No vote shall be taken on the Sentence to be imposed until at least thirty days after the Respondent, Church Attorney, each Complainant, and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence.

Parties to be informed of Judgment.

Sec. 28. All matters in excuse or mitigation or comments on the sentence shall be served on the Respondent, Church Attorney, Complainants and, unless waived in writing, the Victim. The Court shall provide a reasonable time for responses to the Court which shall also be served as provided above. The Court may schedule hearings on the submissions.

Sentence. Sec. 29. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent and the decision so signed shall be recorded as the Judgment of the Court.

Communication of Judgment and Sentence. Sec. 30 (a) The Judgment and Sentence adjudged shall be communicated promptly to the Respondent, each Complainant, and, unless waived in writing, the Victim, the Presiding Bishop and the Standing Committee of the Diocese in which the Respondent is canonically resident.

Motion to modify Sentence. (b) Any Respondent who shall be found to have committed an Offense may file a motion for a modification of Sentence. Any such motion shall be filed within 30 days from the date of the filing of the decision, and the motion shall set forth all the reasons therefor, and no other shall be relied on at the hearing of the motion without the consent of the Court. The Presiding Judge of the Court shall set a place and time for hearing the motion and shall reconvene the Court to hear and determine the same.

Court may modify Sentence. (c) The Court may in the interest of justice modify the Sentence. Upon determination of the motion to modify, the Clerk of the Court shall enter Judgment. If no motion for modification of Sentence shall be filed within the time limited for filing such motions, the Clerk of the Court shall on the next business day enter, as final, the Judgment rendered by the Court. An appeal from a final Judgment of a Court for the Trial of a Bishop to the Court of Review of the Trial of a Bishop, as provided in Canon IV.6, may be taken within thirty days from the entry of the Judgment.

(d) The final Judgment shall be in writing signed by a majority of the Court and direct what Sentence is to be incorporated in the final Judgment to be entered by the Clerk.

Sentence to be pronounced. (e) After the entry of final Judgment, the Presiding Judge of the Court shall appoint a time and place not less than sixty days thereafter for pronouncing the Sentence adjudged. At the time and place appointed, if the Respondent shall not have an appeal pending in the Court of Review of the Trial of a Bishop, or the action of the Court of Review has not made it unnecessary for the Trial Court to proceed to pronounce Sentence, the Presiding Judge of the Court, or a member thereof designated in writing by a majority of the members thereof to do so, shall in the presence of the Respondent, if the Respondent shall see fit to attend, pronounce the Sentence which has been adjudged by the Court, and direct the same to be entered by the Clerk; and *Provided, further,* that Sentence shall not be imposed upon a Bishop found to have committed an Offense of holding and teaching doctrine contrary to that held by this Church unless and until the said finding

shall have been approved by a vote of two-thirds of the Bishops present at a meeting of the House of Bishops.

Sec. 31 (a) The Court for the Trial of a Bishop shall keep a complete and accurate record of its proceedings. When all proceedings on a Presentment have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record.

Record of proceedings to be kept and transmitted.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.

Sec. 32. The reasonable and necessary expenses of the Court including but not limited to the fees, costs, disbursements and expenses of the Judges, Church Attorneys, Clerks, Reporters and Lay Assessors, shall be a charge upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the Court. The Court shall have the authority to contract for and bind the General Convention to payment of these expenses.

Expenses.

CANON 6: Of Appeals to the Court of Review of the Trial of a Bishop

Sec. 1. A Bishop found to have committed an Offense shall have the right to appeal from the Judgment of the Trial Court to the Court of Review of the Trial of a Bishop.

Right to appeal.

Sec. 2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine appeals from determination of the Court for the Trial of a Bishop and the Court for the Trial of a Bishop for an Offense of Doctrine.

Sec. 3. There shall be a Court of Review of the Trial of a Bishop, consisting of nine Bishops. Three Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention. All Judges shall serve until their successors are elected and qualify; *Provided, however*, there shall be no change in composition of a Court following the hearing and while a proceeding is pending, unresolved, before the Court.

Court of Review.

Sec. 4 (a) No Bishop shall sit as a member of this Court who is a Complainant, is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV.14.13; nor shall any Bishop sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.

Conditions for disqualification.

(b) The death, permanent disability rendering the person unable to act, resignation, or declination to serve as a member of this Court shall constitute a vacancy in the Court. The recusal or disqualification of a member of the Court from consideration of a particular appeal shall constitute a temporary vacancy on the Court.

Court vacancy.

(c) Notices of resignations or declinations to serve shall be given by any Bishop chosen to serve as a member of the Court by written notice sent to the Presiding Bishop.

(d) Notices of recusal shall be given by a Judge to the Presiding Judge.

Presiding Judge. Sec. 5. The Court shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding before the Court the Presiding Judge is disqualified or is for any cause unable to act, the Court shall elect from its members a Presiding Judge *pro tempore*.

Sec. 6. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge, the Bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.

Filling
vacancies.

Sec. 7. Vacancies occurring in this Court shall be filled as follows:

(a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining Judges may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused or disqualified Judge participated in any proceedings other than consideration of whether any Judge should be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder of the case.

(b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill the vacancy until the next General Convention, when the House of Bishops shall choose a Bishop to fill the vacancy. The Bishop so chosen shall serve during the remainder of the term.

Quorum.

Sec. 8. Not less than five Judges shall constitute a quorum.

Sec. 9. The concurrence of six Judges shall be necessary to pronounce a judgment, but any lesser number may adjourn the Court from time to time.

Clerks.

Sec. 10. The Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Members of the Clergy or adult lay communicants in good standing of this Church, to serve during the pleasure of the Court.

Reporter.

Sec. 11. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve during the pleasure of the Court.

Lay Assessors.

Sec. 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote.

Rules of
procedure.

Sec. 13. The Court shall be guided by the Rules of Appellate Procedure and may adopt rules of procedure not inconsistent with the Constitution and Canons of the Church, with the power to alter or

rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Sec. 14. The Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court. Respondents to be heard.

Sec. 15 (a) Unless within thirty days from the date of entry of Judgment in the Trial Court the appellant has given notice of the appeal in writing to the Trial Court, to the party against whom the appeal is taken, and to the Presiding Judge of the Court of Review of the Trial of a Bishop, assigning in the notice the reasons of appeal, the appellant shall be held to have waived the right of appeal although in its discretion the Court of Review of the Trial of a Bishop may entertain and hear an appeal not taken within the prescribed period. Right of appeal.

(b) The Presiding Judge of the Court of Review upon receiving the notice of appeal shall appoint a time within 60 days thereafter, unless for good cause extended, for hearing the appeal and fix the place of the hearing. At least 30 days prior to the day appointed, the Presiding Judge shall give written notice of the time and place to the other members of the Court and also the appellant and appellee. Appoint time for hearing.

Sec. 16. Upon notice of appeal being given, the Clerk of the Trial Court shall send to the Clerk of the Court of Review of the Trial of a Bishop a transcript of the record, including all the evidence, certified by the Presiding Judge and Clerk of the Trial Court, and the Clerk shall lay the same before the Court of Review at its next session. Transcript of the record.

Sec. 17. An appeal shall be heard upon the Record on Appeal of the Court for the Trial of a Bishop or the Court for the Trial of a Bishop for an Offense of Doctrine. Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review.

Sec. 18. The Court of Review of the Trial of a Bishop may affirm or reverse any Judgment brought before it on appeal, and may enter final Judgment in the case or may remand the same to the Trial Court for a new Trial or for such further proceedings as the interests of justice may require. Court may affirm or reverse Judgment.

Sec. 19 (a) If the Court of Review of the Trial of a Bishop enters final Judgment in the case, and if by that Judgment the Respondent is found to have committed any of the Charges upon which tried, the Court of Review of the Trial of a Bishop may review the Sentence adjudged by the Trial Court and may adjudge a lesser Sentence than that adjudged by the Trial Court. Before final Sentence is adjudged by the Court of Review the Respondent shall have the opportunity to make a statement to the Court in excuse or mitigation. The Church Attorney, each Complainant, and, unless waived in writing, the Victim shall have the opportunity to make a statement to the Court regarding the Sentence to be adjudged and imposed. Sentences.

(b) The final Sentence adjudged shall be pronounced pursuant to Canon IV.5.30 and the notices thereof required by Canon IV.12 shall be given.

Stay of proceedings in Trial Court.

Sec. 20. In case of appeal, all proceedings in the Trial Court and the pronouncement of Sentence shall be stayed until the appeal is dismissed by the Court of Review of the Trial of a Bishop, or the case be remanded by the Court to the Trial Court for further proceedings, or until final Judgment has been adjudged by the Court of Review.

May discontinue an appeal.

Sec. 21. The appellant may discontinue the appeal at any time before a hearing thereof has begun before the Court of Review of the Trial of a Bishop. After the hearing has begun, the appellant may discontinue the appeal only with the consent of the Court. If the appeal is discontinued, the Trial Court shall proceed as if no appeal had been taken.

Record of proceedings.

Sec. 22 (a) The Court of Review of a Trial of a Bishop shall keep a complete and accurate record of its proceedings. When all proceedings on an appeal have been concluded, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, by majority vote the Court shall designate another member to certify the record.

(b) The Court shall promptly deliver the original certified record of the proceedings to The Archives of the Episcopal Church.

Expenses.

Sec. 23. The reasonable and necessary expenses of the Court of Review of the Trial of a Bishop, including but not limited to the fees, costs, disbursements and expenses of the Judges, Church Attorneys, Clerks, Reporters and Lay Assessors, shall be charged upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the Court. The Court shall have the authority to contract for and bind the General Convention to payment of these expenses.

CANON 7: Of a Priest or Deacon in Any Diocese Chargeable with Offense in Another

Ecclesiastical Authority to give notice of liability.

Sec. 1. If a Priest or Deacon canonically resident in a Diocese shall have acted in any other Diocese in such a way as to be liable to Presentment, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority where the Priest or Deacon is canonically resident, exhibiting, with the information given, reasonable ground for presuming its truth. If the Ecclesiastical Authority, after due notice given, shall omit, for the space of three months, to proceed against the offending Priest or Deacon, or shall request the Ecclesiastical Authority of the Diocese in which the Offense or Offenses are alleged to have been committed to proceed against that Priest or Deacon, it shall be within the power of the Ecclesiastical Authority of the Diocese within which the Offense or Offenses are alleged to have been committed to institute proceedings pursuant to this Title.

Sec. 2. If a Priest or Deacon shall come temporarily into any Diocese, under the imputation of having elsewhere committed any Offense or if any Priest or Deacon, while temporarily in any Diocese, shall so offend, the Bishop of that Diocese, upon probable cause, may Admonish or Inhibit the Priest or Deacon from officiating in that Diocese. And if, after Inhibition, the Priest or Deacon so officiate, the Bishop shall give notice to all the Clergy and Congregations in that Diocese that the officiating of the Priest or Deacon is inhibited; and like notice shall be given to the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, and to the Recorder. The Inhibition shall continue in force until the soonest of (i) the Bishop dissolves the Inhibition, (ii) the Standing Committee assuming jurisdiction thereof votes not to issue a Presentment, or (iii) if presented, the Presentment is dismissed.

Inhibition of Clergy from another Diocese.

Sec. 3. The provisions of Section 2 shall apply to Clergy ordained in foreign lands by Bishops in communion with this Church; but in such case notice of the Inhibition shall be given to the Bishop from whose jurisdiction the Priest or Deacon shall appear to have come, and also to all the Bishops exercising jurisdiction in this Church, and to the Recorder.

CANON 8: Of Renunciation of the Ministry by Members of the Clergy Amenable for Presentment for an Offense

Sec. 1. Subject to the provisions of Section 3 of this Canon, if any Priest or Deacon (i) Amenable for but not under Presentment for an Offense of Crime, of Immorality or of Conduct Unbecoming a Member of the Clergy, or (ii) Amenable for or under a Presentment for any other Offense, shall declare in writing to the Ecclesiastical Authority of the Diocese in which that person is canonically resident a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Ecclesiastical Authority if it be a Bishop, or if the Ecclesiastical Authority not be a Bishop a Bishop acting for the Ecclesiastical Authority, may accept the renunciation and pronounce Sentence of Deposition with the consent of a majority of All the Members of the Standing Committee of the Diocese. Upon receiving the consent of the Standing Committee, the Bishop or the Bishop acting for the Ecclesiastical Authority may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.4.

Priest or Deacon.

Sec. 2. If any Bishop Amenable for but not under Presentment for an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy or Amenable for or under a Presentment for any other Offense shall declare in writing to the Presiding Bishop, or if there then be none to the presiding officer of the House of Bishops, a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Presiding Bishop or the presiding officer may accept the renunciation and pronounce Sentence of Deposition with the consent of a majority of All the Members of the Review Committee. Upon receiving the consent of the Review Committee, the Presiding

Bishop

Renunciation while under Presentment.

Bishop or the presiding officer of the House of Bishops may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.

Sec. 3. If a Member of the Clergy making a declaration of renunciation of the Ministry be under a Presentment for an Offense involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, or shall have been placed on Trial for the same, the declaration shall not be considered or acted upon until after the Presentment has been dismissed or the Trial has been concluded and Sentence, if any, adjudged. Thereafter, unless the renunciation be revoked by the Member of the Clergy, the Bishop, or Presiding Bishop as the case may be, may accept the renunciation and impose and pronounce a Sentence of Deposition.

Sec. 4. No declaration of renunciation of the ministry of this Church under this Canon shall become effective until it has been accepted and Sentence has been pronounced.

CANON 9: Of Abandonment of the Communion of This Church by a Bishop

Inhibition of Bishop.

Sec. 1. If a Bishop abandons the communion of this Church (i) by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or (ii) by formal admission into any religious body not in communion with the same, or (iii) by exercising episcopal acts in and for a religious body other than this Church or another Church in communion with this Church, so as to extend to such body Holy Orders as this Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in this Church; it shall be the duty of the Review Committee, by a majority vote of All the Members, to certify the fact to the Presiding Bishop and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop, with the consent of the three senior Bishops having jurisdiction in this Church, shall then inhibit the said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of Inhibition, the Bishop shall not perform any episcopal, ministerial or canonical acts, except as relate to the administration of the temporal affairs of the Diocese of which the Bishop holds jurisdiction or in which the Bishop is then serving.

Written statement from the Bishop to be considered.

Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the certification and Inhibition. Unless the inhibited Bishop, within two months, makes declaration by a Verified written statement to the Presiding Bishop, that the facts alleged in the certificate are false or utilizes the provisions of Canon IV.8 or Canon III.12.7, as applicable, the Bishop will be liable to Deposition. If the Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the declarations or

acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding Bishop, with the advice and consent of a majority of the three senior Bishops consenting to Inhibition, terminate the Inhibition. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House. If the House, by a majority of the whole number of Bishops entitled to vote, shall give its consent, the Presiding Bishop shall depose the Bishop from the Ministry, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed.

Deposition.

CANON 10: Of Abandonment of the Communion of This Church by a Priest or Deacon

Sec. 1. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of Canon IV.8 or III.7.8-10 and III.9.8-11, has abandoned the Communion of this Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of All the Members that the Priest or Deacon has abandoned the Communion of this Church by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or by a formal admission into any religious body not in communion with this Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop of such Diocese, or if there be no such Bishop, to the Bishop of an adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or declarations relied upon in making its determination. If the Bishop affirms the determination, the Bishop shall then inhibit the Priest or Deacon from officiating in the Diocese for six months and shall send to the Priest or Deacon a copy of the determination and statement, together with a notice that the Priest or Deacon has the rights specified in Section 2 and at the end of the six-month period the Bishop will consider deposing the Priest or Deacon in accordance with the provisions of Section 2.

Role of the Standing Committee.

Inhibition.

Sec. 2. Prior to the expiration of the six-month period of Inhibition, the Bishop may permit the Priest or Deacon to utilize the provisions of Canon IV.8 or Canon III.7.8-10 and III.9.8-11, as applicable. If within such six-month period the Priest or Deacon shall transmit to the Bishop a statement in writing signed by the Priest or Deacon which the Bishop is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop shall withdraw the notice and the Inhibition shall expire. If, however, within the six-month period, the Bishop does not pronounce acceptance of the renunciation of the Priest or Deacon in accordance with Canon IV.8 or Canon III.7.8-10 and III.9.8-11, as applicable, or the Priest or

Expiration of period of Inhibition.

Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop either (i) to depose the Priest or Deacon as provided in Canon IV.12, or (ii) if the Bishop is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not affect the person's moral character) is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination.

CANON 11: Of a Priest or Deacon Engaging in Secular Employment without Consent, Being Absent from the Diocese, or Abandoning the Work of the Ministry

Diocesan
Review
Committee to
institute inquiry.

Sec. 1. If a Priest or Deacon has engaged in any secular calling or business without the consent of the Bishop of the Diocese in which the Priest or Deacon is canonically resident as provided in Canon III. 9.3(e), it shall be the duty of the Diocesan Review Committee of the Diocese, upon the case being brought to its attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, it shall be the duty of the Diocesan Review Committee to Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

Priest or
Deacon to be
presented for
trial.

Sec. 2. If a Priest or Deacon has substantially and materially abandoned the work of the ministry of this Church and the exercise of the office to which ordained without having given reasons satisfactory to the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, or without renouncing the ministry as provided in Canon III. 7.8-10 and III.9.8-11 or without seeking to be released from the obligations of the office pursuant to Canon III.9.3(e), it shall be the duty of the Diocesan Review Committee of the Diocese, upon the case being brought to its attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, it shall be the duty of the Diocesan Review Committee to Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

Absent from
Diocese for
more than two
years.

Sec. 3 (a) Whenever a Priest or Deacon of this Church shall have been absent from the Diocese for a period of more than two years and has failed to make the annual report required by Canon I.6.1 and 2, the Bishop shall bring the case to the attention of the Diocesan Review Committee by written statement, whereupon the Diocesan Review Committee may institute an inquiry into the matter. If in the judgment of the Diocesan Review Committee there is sufficient reason for further proceedings, the Diocesan Review Committee shall Present the offending Priest or Deacon for Trial for violation of Ordination vows and these Canons.

(b) On application either by the Bishop or Priest or Deacon, or at the discretion of the Presiding Bishop, with the approval of the Bishop of that jurisdiction, a Priest or Deacon now on the Special List of Clergy maintained by the Secretary of the House of Bishops may be placed again on a Diocesan Clergy Roll.

Special List of Clergy.

(c) A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall not be considered as canonically resident in a Diocese.

(d) Any Priest or Deacon whose name is on the List, as aforesaid, and who has not made an annual report on the Priest or Deacon's exercise of office to the Presiding Bishop for a period of five years, may be considered to have abandoned the Ordained Ministry of this Church. The Presiding Bishop may, in the exercise of discretion, upon notice in accordance with Canon IV.14, in the presence of two Presbyters, pronounce Sentence of Deposition upon the Priest or Deacon, and authorize the Secretary of the House of Bishops to strike the name from the List and to give notice of the fact to the Priest or Deacon as provided in Canon IV.12.

Failure to make annual report.

(e) A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall be Amenable for an Offense in either the Diocese wherein the Offense has occurred or the Diocese in which the Priest or Deacon was canonically resident immediately prior to being added to the List.

CANON 12: Of Sentences

Sec. 1 (a) The three Sentences which may be adjudged by a Trial Court and imposed are Admonition, Suspension, or Deposition.

(b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

Admonition.

(c) (1) Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

Suspension.

(2) Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the Clergy, the Sentence shall specify on what terms and on what conditions and at what time the Suspension shall cease.

(3) The Suspension of a Priest from the exercise of the ordained ministry shall terminate the Pastoral Relationship unless (i) the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue, and (ii) the Ecclesiastical Authority approves such request. If the Pastoral Relationship has not been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of Canon III.9.13-21.

Deposition.

(d)

- (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) after final Judgment by a Trial Court, (iii) when there has been a renunciation under Canon IV.8, (iv) upon the abandonment of the communion of the Church as set forth in Canons IV.9 and IV.10, or (v) by the Presiding Bishop pursuant to Canon IV.11.3(d).
- (2) Upon the pronouncement of a Sentence of Deposition, all ecclesiastical offices held by the Member of the Clergy deposed, including a Rectorship and all ecclesiastical and related secular offices, shall thereupon be automatically terminated and vacated.
- (3) A Member of the Clergy deposed from any order of ordained ministry is deposed entirely from the ordained ministry.

Sec. 2. A Sentence after final Judgment by a Trial Court shall be adjudged by the Trial Court.

Conditions for adjudging and pronouncing Sentence.

Sec. 3. The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) when there has been a renunciation under Canon IV.8, or, (iii) upon the abandonment of the communion of the Church as set forth in Canon IV.10.

Who shall impose Sentence.

Sec. 4 (a) If a Priest or Deacon is liable to Sentence upon Judgment by a Trial Court or upon affirmance of the Judgment by a Court of Review, Sentence shall be imposed by the Bishop of the Diocese in which the original Trial of the Respondent was had, or in case that Bishop is disqualified or there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of that Diocese.

(b) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon IV.2, Sentence shall be imposed by the Bishop to whom the submission was made.

(c) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon IV.8, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of the Diocese.

(d) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV.10, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of the Diocese.

Sec. 5. No Sentence shall be pronounced by a Bishop upon a Priest or Deacon after final Judgment by a Trial Court until an opportunity has been given to the Respondent, the Church Attorney, the Complainant and, unless waived in writing, the Victim to show cause why Sentence should not be pronounced and to offer any matter for the consideration of the Bishop.

Opportunity for response.

Sec. 6. It shall be lawful for the Bishop to pronounce a lesser Sentence upon a Priest or Deacon than that adjudged by the Trial Court, if the Bishop so choose.

Sec. 7. The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by a Trial Court shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim in the manner provided in Canon IV.14.20.

Time and place.

Sec. 8. Sentence of Deposition imposed on a Priest or Deacon shall be pronounced in the presence of two or more Priests.

In the presence of Priests.

Sec. 9. When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the Convention and the Standing Committee of the Diocese in which the person so sentenced was canonically resident and in which the Sentence is pronounced, which shall be added to the official records of each Diocese; to the Presiding Bishop, to all other bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; to the Church Deployment Office; and to the Secretary of the House of Bishops, who shall deposit and preserve such notice among the archives of the House. The notice shall specify under what Canon the Priest or Deacon has been suspended or deposed.

Notice to be given.

Sec. 10. When a Bishop is liable to Sentence under a Judgment of a Trial Court or under a Judgment of a Court of Review of the Trial of a Bishop on an appeal to the Court of Review, the Sentence to be imposed shall be one of the Sentences specified in Canon IV.12.1, the Presiding Bishop to pronounce it, and the procedure to be followed in imposing Sentence shall be as provided in the several Canons governing the procedure of those Courts.

Pronouncing Sentence on a Bishop.

Sec. 11. In the case of the Suspension or Deposition of a Bishop, it shall be the duty of the Presiding Bishop to give notice of the Sentence to the Ecclesiastical Authority of every Diocese of this Church, to the Recorder, to the Church Deployment Office, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.

Notice to be given.

Sec. 12. The Court for the Trial of a Bishop shall have the discretion to order that a Bishop: (i) convicted in a criminal Court of Record of a Crime involving immorality, (ii) against whom a judgment has been

Court may suspend acts of Bishop.

entered in a civil Court of Record in a cause involving immorality, or (iii) found to have committed an Offense upon a Presentment for a Crime, for Immorality, for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, or for Conduct Unbecoming a Member of the Clergy shall not, on the conviction, the rendering of the judgment or the finding of commission of an Offense, and while the conviction, the judgment or the finding continues unreversed, perform any episcopal, or ministerial or canonical acts, except those that relate to the administration of the temporal affairs of the Diocese in which the Bishop holds jurisdiction or in which the Bishop is then serving.

Administration of temporal affairs.

Suspension of a Bishop.

Sec. 13. The Suspension of a Bishop from the exercise of the episcopal office and ordained ministry shall not terminate any episcopal office held by that Bishop but may by its terms suspend episcopal, ministerial or canonical acts, except as relate to the administration of the temporal affairs of the Diocese of which the Bishop holds jurisdiction or in which the Bishop is then serving. The application of this Canon shall not affect the right to terminate the term of an assistant Bishop.

CANON 13: Of the Remission or Modification of Sentences

In case of a Bishop.

Proviso.

Sec. 1. The House of Bishops may remit and terminate any judicial Sentence which may have been imposed upon a Bishop, or modify the same so far as to designate a precise period of time, or other specific contingency, on the occurrence of which the Sentence shall utterly cease, and be of no further force or effect; *Provided*, that no such Remission or modification shall be made except at a meeting of the House of Bishops, during the session of some General Convention, or at a special meeting of the House of Bishops, which shall be convened by the Presiding Bishop on the application of any five Bishops, after three months' notice in writing of the time, place, and object of the meeting being given to each Bishop; *Provided, also*, that the Remission or modification be assented to by not less than a majority of the Bishops; And *provided*, that nothing herein shall be construed to repeal or alter the provisions of Canon IV.12.

In case of a Priest or Deacon.

Conditions for granting remission.

Sec. 2 (a) A Bishop who deems the reasons sufficient may, with the advice and consent of two-thirds of All the Members of the Standing Committee, remit and terminate a Sentence of Suspension pronounced in that Bishop's jurisdiction upon a Priest or Deacon.

(b) A Bishop who deems the reasons sufficient may also remit and terminate any Sentence of Deposition pronounced in the Bishop's jurisdiction upon a Priest or Deacon, but shall exercise this power only upon the following conditions:

- (1) That the Remission shall be done with the advice and consent of two-thirds of All the Members of the Standing Committee;
- (2) That the proposed Remission, with the reasons therefor, shall be submitted to the judgment of five of the Bishops of this Church whose Dioceses are nearest to the Bishop's

own, and the Bishop shall receive in writing from at least four of the Bishops, their approval of the Remission, and their consent thereto.

- (3) That before such Remission, the Bishop shall require the person so Deposed, who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article VIII of the Constitution.

Sec. 3. In case the person was deposed for abandoning the communion of this Church, or was deposed by reason of renunciation of or release from the exercise of the Office of Priest or Deacon, or for other causes, the person also having abandoned its communion, the Bishop before granting the Remission, shall be satisfied that the person has lived in lay communion with this Church for not less than one year next preceding application for the Remission.

Applicant to be in lay communion.

Sec. 4. In case the person applying for Remission shall be residing other than in the Diocese in which deposed, the Bishop to whom application has been made, before granting the Remission, shall be furnished with written evidence of the approval of the application with the reasons therefor from the Bishop of the Diocese in which the person is then residing.

Residence of applicant.

Sec. 5. A Bishop who shall grant Remission for any Sentence of Removal or Deposition shall, without delay, give due notice thereof under the Bishop's own hand sending the notice in a sealed envelope to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese, which shall be added to the official records of the Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder, to the Church Deployment Office, and to the Secretary of the House of Bishops and Secretary of the House of Deputies, who shall deposit and preserve the notice among the archives of those Houses giving, with the full name of the person restored, the date of the Removal or Deposition, and the Order of the Ministry to which that person is restored.

Bishop to give notice.

CANON 14: Of General Provisions Applicable to This Title

Sec. 1 Ecclesiastical Nature. Disciplinary proceedings under this Title are neither civil nor criminal, but ecclesiastical in nature and represent determinations by this Church of who shall serve as Members of the Clergy of this Church and further represent the polity and order of this hierarchical Church. Clergy who have voluntarily sought and accepted ordination in this Church have given their express consent and subjected themselves to the discipline of this Church and may not claim in proceedings under this Title constitutional guarantees afforded to citizens in other contexts.

Proceedings to be ecclesiastical.

Sec. 2. Resort to secular courts. No Member of the Clergy of this Church may resort to the secular courts for the purpose of interpreting the Constitution and Canons, or for the purpose of resolving any dispute arising thereunder, or for the purpose of delaying, hindering or reviewing or affecting in any way any proceeding under this Title.

Sec. 3. Review of proceedings by secular courts. No secular court shall have authority to review, annul, reverse, restrain or otherwise delay any proceeding under this Title.

Sec. 4. Limitations of Actions.

(a)

Time limitations.

(1) No Presentment shall be made for any Offense that constitutes Crime, Immorality, or Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to, ten years immediately preceding the time of receipt of a Charge by the Diocesan Review Committee or the Presiding Bishop except:

(i) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final;

(ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years; or

(iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or

(iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Diocesan Review Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense; *Provided, however,* in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Diocesan Review Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.

(2) The time limits of this Section shall not apply to Offenses the specifications of which include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Victim was a Minor.

- (3) For Offenses, the specifications of which include physical violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on Limitations (Canon IV.1.4). Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998.
- (4) Except as provided in clauses (2) and (3) of this Section, these Limitations of Actions shall not be effective retroactively but shall be effective only from the effective dates of this Canon forward.

(b) No Presentment shall issue for any Offense specified in Canon IV.1.1(c), (d), (e), (f), (g), (h) and (i) unless the Offense was committed within, or continued up to, two years immediately preceding the time the Charge is filed with the Diocesan Review Committee.

Time Limit.

(c) Periods in which the Respondent is in the custody of secular authorities shall be excluded in computing the period of limitation prescribed in this Canon, if that custody would prevent the Respondent from participating in an Ecclesiastical Trial.

(d) The filing of a Request for a Statement of Disassociation under Canon IV.3.21 shall be the equivalent of filing a Charge for purposes of this Section for alleged violations of Canon IV.1.1(c) for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church and all other Offenses for which Presentment may be made pursuant to Canon IV.3.21(c).

Request for Statement of Disassociation.

Sec. 5. Materiality. In order for the Offenses specified in Canon IV.1.1. (d), (e), (f) and (g) to be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Diocesan Review Committee or Review Committee.

Materiality.

Sec. 6. Time.

(a) Computation. In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday in that jurisdiction, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday in that jurisdiction.

Computation of time.

(b) Additional Time after Service by Mail. Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper, if service is served by mail, five days shall be added to the prescribed period.

Sec. 7. Quorum. In all cases in this Title where a Canon directs a duty to be performed or a power to be exercised, by a Diocesan Review Committee, by the Review Committee, by a Trial Court or by any other body consisting of several members, a majority of the members, the whole having been duly cited to meet, shall be a quorum; and a majority of the members present when a quorum exists shall be competent to act, unless otherwise expressly required by Canon.

Quorum.

Consultants. Sec. 8 (a) Each Diocese shall appoint one or more Consultants and shall make a Consultant available to any Member of the Clergy canonically resident or residing in that Diocese charged with or suspected of an Offense. The Consultant shall be available to consult with and advise the Member of the Clergy and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The Consultant shall explain the rights of the Member of the Clergy and the alternatives available under this Title.

(b) A Member of the Clergy shall be notified of the availability and identity of the Consultant at the earliest of (i) the communication to the Member of the Clergy of a Charge, (ii) any interrogation or request for a statement described in Canon IV.14.11(a), (iii) the service of a Temporary Inhibition, (iv) submission to the Ecclesiastical Authority or the Presiding Bishop of a Renunciation under Canon IV.8, or (v) prior to the Execution of a Waiver and Voluntary Submission to Discipline.

(c) Any communications between the Consultant and the Member of the Clergy, or his or her legal advisors shall be Privileged Communications.

(d) No Consultant shall be required to respond to any questions regarding the Member of the Clergy for whom the Consultant has acted as Consultant.

Expenses. (e) All of the costs and expenses of providing a Consultant shall be the obligation of the Diocese exercising disciplinary jurisdiction over the Member of the Clergy.

Influencing proceedings. Sec. 9. Influencing proceedings. No person subject to the authority of this Church may attempt to coerce or by any other means improperly influence, directly or indirectly, the actions of a Diocesan Review Committee, the Review Committee, an Ecclesiastical Trial Court, any other Court provided for in these Canons, or any member thereof or any person involved in such proceedings in reaching the issuance of any Presentment or the findings, Judgment or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply with respect to (i) statements and instructions given by the Church Attorney, the Respondent, or counsel for a Respondent to the Diocesan Review Committee prior to Presentment or to the Ecclesiastical Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by Complainants, alleged Victims or their Advocates as provided for in this Title.

Right to representation. Sec. 10. In all proceedings under this Title, whenever a Respondent or Member of the Clergy suspected of an Offense is required or permitted to appear, the Respondent or Member of the Clergy shall have the right to be represented by counsel of her or his choice.

Involuntary Statements. Sec. 11. Involuntary Statements.
(a) No person proceeding under the authority of this Title may interrogate, or request a statement from, a Respondent or a person

suspected of an Offense without first informing that person of the nature of the accusation and advising that person that no statement need be made regarding the Offense of which the Respondent is accused or suspected and that any statement so made may be used in evidence against that person in any Ecclesiastical Trial.

(b) No Respondent or person suspected of an Offense may be compelled to make any statement or admission or to testify against himself or herself in any proceedings under this Title.

(c) No statement obtained from any person in violation of this Canon, or through the use of coercion, undue influence or improper inducement may be received in evidence against that person in a Trial under this Title.

(d) No Advocate shall be required to respond to any question regarding any Complainant or alleged Victim.

(e) No Consultant shall be required to respond to any question regarding any Respondent or any Member of the Clergy for whom the Consultant has acted as a Consultant.

Sec. 12: Effect of Prior Proceedings. A Member of the Clergy shall be liable for Presentment and Trial for an Offense set out in Canon IV. 1.1. unless the specific accusation or Charge has previously been included in a Presentment against that Member of the Clergy or has been expressly set forth in the Member of the Clergy's Waiver and Voluntary Submission to Discipline upon which a Sentence has been imposed and pronounced or in the report of a Conciliator under Canon IV.16.4.

Effect of Prior Proceedings.

Sec. 13: Disqualification of Bishop, Judge, or Member of a Review Committee.

Conditions for disqualification.

(a) Any Bishop exercising authority as provided in this Title shall disqualify himself or herself in any proceeding in which the Bishop's impartiality may reasonably be questioned. The Bishop shall also disqualify himself or herself when the Bishop, the Bishop's spouse, or a person within the third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent, alleged Victim, or Complainant, or (2) is likely to be a witness in the proceeding.

(b) Any member of any Diocesan Review Committee, Review Committee, or any Ecclesiastical Court provided for in this Title, shall disqualify himself or herself in any proceeding in which the member's impartiality may reasonably be questioned. The member shall also disqualify himself or herself when the member, the member's spouse, any person within the third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent, alleged Victim, or Complainant, (2) is likely to be a witness in the proceeding, (3) has a personal bias or prejudice concerning the Respondent, alleged Victim, or Complainant, (4) has personal knowledge of disputed evidentiary facts concerning the proceeding, (5) has a personal financial interest in the outcome of the proceeding or in the Respondent, alleged Victim, Complainant, or any other interest that could be substantially affected by the outcome, or (6) is a member of

the same congregation or otherwise has a close personal or professional relationship with the Respondent, any alleged Victim, Complainant, or any witness in the matter.

(c) No Bishop, Ecclesiastical Court, Diocesan Review Committee, or Review Committee shall accept from the parties to the proceeding any waiver of any ground for disqualification enumerated in this Section unless preceded by full disclosure of the basis for the disqualification, on the record, to all parties.

Sec. 14. Presumption of Non-Commission of an Offense. There is a presumption that the Respondent did not commit the Offense alleged until the presumption is overcome by Clear and Convincing evidence.

Proof.

Sec. 15. Standard of Proof. The standard of proof required to establish an Offense by the Respondent by an Ecclesiastical Trial Court shall be that of Clear and Convincing evidence.

Sec. 16. Burden of Proof. The burden of proof to establish an Offense by a Respondent is upon the Church in the Case of Bishops and the Diocesan Review Committee in the Case of Priests or Deacons.

Duty to appear.

Sec. 17. Duty to Appear, Respond and Give Testimony. Except as otherwise provided in this Title, it shall be the duty of all Members of this Church to appear and testify or respond when duly served with a Notice or Citation by a Diocesan Review Committee, Review Committee, or Ecclesiastical Trial Court in any matter arising under this Title.

Roles of
Chancellors.

Sec. 18. Roles of Chancellors, Vice Chancellors, etc. Neither the Chancellor nor a Vice Chancellor of the Diocese shall serve as Church Attorney or Lay Assessor in that Diocese. Neither the Chancellor nor a Vice Chancellor of any Province shall serve as Church Attorney or Lay Assessor in any Diocese including in such Province. The Presiding Bishop's Chancellor shall not serve as Church Attorney or Lay Assessor in any proceeding against a Bishop of this Church. The Church Attorney shall not be from the same law firm as the Chancellor or Vice Chancellor or as the Chancellor to the Presiding Bishop or as a Lay Assessor.

Jurisdiction.

Sec. 19. Jurisdiction. Bishops, Priests, and Deacons are Amenable for Offenses committed by them; a Bishop to a Court of Bishops, and a Priest or Deacon to the Ecclesiastical Authority of the jurisdiction in which the Priest or Deacon is canonically resident at the time the Charge is made or in which the Offense occurred, except as provided in Canon IV.11.3(e).

Notices and
Citations.

Sec. 20. Service of Notices and Citations.

(a) A Notice or Citation permitted by any law of this Church to any Member to appear, at a certain time and place for the investigation of a Charge before a Diocesan Review Committee or Review Committee, for deposition in an Ecclesiastical Trial Court, or for a Trial of an Offense, shall be deemed to be duly served if a copy thereof be delivered to the person to be served, be left at the person's usual place

of abode within the United States as to Members of the Clergy canonically resident in the United States and non-Clergy Members resident in the United States, or as to Members of the Clergy canonically resident or non-Clergy Members resident in countries or territories other than the United States at the place of abode within the country or territory of Canonical residence or residence, as the case may be, with a person of suitable age and discretion, or be mailed by certified mail return receipt requested to the person's usual place of abode within the United States or by similar mail service if mailed in a country other than the United States, at least sixty days before the day of appearance named therein, and in case the Member of the Clergy or non-Clergy Member has departed from the United States or other country or territory of Canonical residence or residence, as the case may be, and has not been duly served, if a copy of the Citation be published once a week for four successive weeks in such newspaper printed in the jurisdiction in which the Member of the Clergy or non-Clergy Member is cited to appear as the Diocesan Review Committee, Review Committee or Ecclesiastical Court shall designate, the last publication to be three months before the day of appearance. Acceptance of service will render unnecessary any further process of Citation.

(b) A notice or Citation, other than those above mentioned, required by any law of this Church, when no other mode of service is provided, may be served personally, or by certified mail return receipt requested, addressed to the person to be served, at the person's last known place of residence, or by leaving a copy at the person's last usual place of abode within the United States as to Members of the Clergy who are canonically resident and non-Clergy Members who are resident in the United States, or at the person's last known usual place of abode in a country or territory other than the United States where the Member of the Clergy is canonically resident or the non-Clergy Member resides, with a person of suitable age and discretion.

(c) A notice or Citation to appear may be issued by Diocesan Review Committee, Review Committee or Ecclesiastical Court.

Sec. 21. Bishops. A reference in this Title to a Bishop intending to mean the Bishop holding jurisdiction pursuant to Article II of the Constitution of this Church shall include a Bishop Coadjutor, if specific jurisdiction for matters contemplated by this Title has been assigned to the Bishop Coadjutor pursuant to Canon III.11.10(a)(2).

Sec. 22. Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Diocesan Review Committee for good cause shown that change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another Diocese of that Province reasonably convenient for the parties. The reasonable expenses of the alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the

Alternate
Ecclesiastical
Trial Court.

Presentment has issued. If the person against whom the Charge or Complaint is made is a Member of the Diocesan Review Committee or if the Diocesan Review Committee is not able to consider a Charge or a Complaint, the Ecclesiastical Authority shall arrange to have the Charge or Complaint reviewed by the Diocesan Review Committee of another Diocese of that Province reasonably convenient to both parties.

Expenses.

Sec. 23. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or applicable Diocesan Canon, all costs, expenses and fees of the several parties shall be the obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense of the Diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the expense of the Province. The record of proceedings of a Review Committee, the Court for the Trial of a Bishop, the Court for the Trial of a Bishop for an Offense of Doctrine and the Court of Review of a Trial of a Bishop shall be the expense of the General Convention. Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.

Absence of Presiding Bishop.

Sec. 24. Absence, etc. of Presiding Bishop. If the Presiding Bishop should be absent, under a disability rendering the Presiding Bishop unable to act, or otherwise disqualified, except as expressly otherwise provided in this Title duties assigned to the Presiding Bishop under this Title shall be performed by that Bishop who would be the next qualified Presiding Officer of the House of Bishops.

Suspension.

Sec. 25. Effect of the Suspension of a Bishop. If the Bishop of a Diocese shall be subject to a Sentence of Suspension, the body or person who would be the Ecclesiastical Authority of that Diocese if there were no Bishop shall have authority to request episcopal assistance and Episcopal Acts from another Bishop of this Church.

Privileged Communications.

Sec. 26. Privileged Communications. No Privileged Communication shall be required to be disclosed. Further, the secrecy of a confession is morally absolute for the confessor, and must under no circumstances be broken.

Noncompliance.

Sec. 27. Non-compliance with any procedural requirements set forth in this Title shall not be grounds for the dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Court on motion and hearing.

Sec. 28. Former Sentence of Removal. Solely for the purposes of the application of these Canons to persons who have received the pronouncement of the former Sentence of removal, the former Sentence of removal shall be deemed to have been a Sentence of Deposition.

Sec. 29. Record of Certain Title IV Proceedings and Actions.

(a) Each Ecclesiastical Court shall keep a complete and accurate record of its proceedings. When all proceedings on a Presentment or other matter have been concluded, including any and all appeals, the Presiding Judge shall certify the record. If the Presiding Judge did not participate in the proceeding for any reason, the Court, by majority vote, shall designate another member to certify the record.

Records to be kept and delivered to Archives.

(b) A Court may make provision for the preservation and storage of a copy of the record of each proceeding in the Diocese in which the Presentment or other proceeding originated.

(c) A Court shall promptly deliver the original certified record of its proceedings to The Archives of the Episcopal Church.

(d) A Bishop, including the Presiding Bishop, who pronounces a Sentence shall deliver a copy of the notice of the Sentence to The Archives of the Episcopal Church.

(e) In the case of a Waiver and Voluntary Submission to discipline of a Deacon, Priest or Bishop, the Ecclesiastical Authority with jurisdiction shall promptly deliver a copy of the required written instrument to The Archives of the Episcopal Church.

(f) Bishops, including the Presiding Bishop, shall promptly deliver a record of any action of remission or modification of a Sentence to The Archives of the Episcopal Church.

CANON 15: Of Terminology Used in This Title

Except as otherwise expressly provided or unless the context otherwise requires, as used in this Title the following terms and phrases shall have the following meanings:

Acknowledged shall mean the execution of an instrument in form sufficient to record a deed in the jurisdiction wherein the instrument has been executed.

Admonish shall mean to caution, advise or counsel against wrong practices or to warn against the danger of an Offense.

Admonition shall mean a censure or reprimand which is a public and formal reproof of the conduct of a Member of the Clergy.

Advocate shall mean a person, lay or clergy, designated to support and assist a Complainant or an alleged Victim in any proceeding contemplated by this Title. The Advocate need not reside in or be a member of the Diocese proceeding under this Title or of the Diocese of the person or body designating the person as Advocate.

All the Members shall mean the total number of members of the body provided for by Constitution or Canon without regard to absences, excused members, abstentions or vacancies.

Amenable shall mean subject, accountable, and responsible to the discipline of this Church.

Amenable for Presentment for an Offense shall mean that a reasonable suspicion exists that the individual has been or may be accused of the commission of an Offense.

- Canonically resident** shall mean the canonical residence of a Member of the Clergy of this Church established by ordination or letters dimissory.
- Chancellor** shall mean a person appointed or elected to that office in a Diocese, under its Canons or otherwise by the Ecclesiastical Authority, and shall include Vice Chancellors or similar legal officers of the Diocese. Chancellor shall also include the Presiding Bishop's Chancellor.
- Charge** shall mean a formal and Verified accusation against a Member of the Clergy that the Member of the Clergy has committed an Offense.
- Church Attorney** shall mean (i) as to proceedings concerning Priests and Deacons, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Diocesan Review Committee, to represent the Church in the prosecution of Presentments against Priests and Deacons and to represent the Church in an appeal to the Court of Review of a Trial of a Priest or Deacon; (ii) as to proceedings concerning Bishops, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Review Committee, to represent the Church in the prosecution of Presentments against Bishops and to represent the Church in an appeal to the Court of Review of a Trial of a Bishop pursuant to Canon IV.5.11, and appointed by the Presenters pursuant to Canon IV.5.15. The Church attorney's client shall be the Diocesan Review Committee or the Review Committee, as the case may be. The Church Attorney need not reside in or be a member of the Diocese proceeding under this Title.
- Citation** shall mean a written direction from a Diocesan Review Committee, Review Committee or Ecclesiastical Court to a member of this Church or person subject to the jurisdiction of this Church to appear and respond to a Diocesan Review Committee or Review Committee or give testimony before an Ecclesiastical Court.
- Clear and Convincing** shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.
- Clerk of the Court** shall mean that person appointed by an Ecclesiastical Court to keep the account of proceedings of the Court. The Clerk of the Court need not reside in or be a member of the Diocese or Province of the Ecclesiastical Court appointing the Clerk of the Court.
- Complainant** shall mean the person or body by whom a Charge is made.
- Conciliator** shall mean an adult person appointed to seek the conciliation under Canon IV.16. The Conciliator need not reside in or be a member of the Diocese proceeding under Canon IV.16.
- Conduct Unbecoming a Member of the Clergy** shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material

discredit upon the Church or the Holy Orders conferred by the Church.

Consultant shall mean a priest, pastoral counselor, chaplain, an attorney-at-law or other person familiar with the procedures, alternatives, requirements and consequences of this Title and who is made available to a Member of the Clergy pursuant to Canon IV.14.8. The Consultant need not reside in or be a member of the Diocese proceeding under Canon IV.14.8.

Convention shall mean the governing body or assembly of a Diocese by whatever name it is styled in that Diocese.

Court of Record shall mean a secular civil or criminal court of the national government, a state, territory or other jurisdiction wherein the Diocese is located which keeps a separate record of a trial or issues its Judgment in writing sufficient on its face to state an Offense under this Title and as to be able to be certified or duly authenticated by the judge, justice, clerk or other appropriate officer of that court.

Crime shall mean a positive or negative act in violation of a penal law which embraces acts immoral or wrong in and of themselves. As used in this Title, Crime does not embrace acts or conduct prohibited by statute to which no moral turpitude attaches and constituting Crimes only because they are so prohibited.

Deposition shall mean a Sentence by which a Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination.

Discipline The Discipline of the Church shall be found in the Constitution, the Canons, and the Rubrics and the Ordinal of the Book of Common Prayer.

Doctrine As used in this Title, the term Doctrine shall mean the basic and essential teachings of the church. The Doctrine of the Church is to be found in the Canon of Holy Scripture as understood in the Apostles' and Nicene Creeds and in the sacramental rites, the Ordinal and Catechism of the Book of Common Prayer.

Ecclesiastical Authority shall mean the Bishop of the Diocese or, if there be none, the Standing Committee or such other ecclesiastical authority established by the Constitution and Canons of the Diocese.

Ecclesiastical Court shall mean a court established under this Title.

Ecclesiastical Trial Court shall mean a Diocesan Court for the Trial of a Priest or Deacon established pursuant to Canon IV.4(A) and The Court for the Trial of a Bishop and the Court for the Trial of a Bishop for an Offense of Doctrine pursuant to Canon IV.5.1.

Federal Rules of Evidence shall mean the Federal Rules of Evidence for United States District Courts and Magistrates, Title 28 United States Code, as amended from time to time.

Godly Admonition: see Pastoral Direction.

Inhibition shall mean a written command from a Bishop that a Priest or Deacon shall cease from exercising the gifts of ordination in the ordained ministry as specified in the Inhibition. When an Inhibition

is issued to a Bishop it may also command the Bishop to cease all episcopal, ministerial or canonical acts.

Judgment shall mean the determination by an Ecclesiastical Trial Court that a Respondent has or has not committed the Offense for which presented.

Lay Assessor shall mean a duly licensed attorney to advise in matters of law, procedure and evidence affecting a Court or Review Committee in its proceedings. The Lay Assessor need not reside in or be a member of the Diocese or Province of the Court the Lay Assessor advises.

Limitations of Actions shall mean the time within which a Charge must be filed with a Diocesan Review Committee in a matter concerning a Priest or Deacon or filed with the Presiding Bishop in a matter concerning a Bishop as provided for in Canon IV.14.4.

Member of the Clergy shall mean Bishops, Priests and Deacons of this Church unless the context shall exclude a Bishop.

Minor shall mean a person under the age of twenty-one years of age.

Offense shall mean any conduct or acts proscribed in Canon IV.1.1.

Pastoral Direction shall mean a written solemn warning from a Bishop to a Priest or Deacon setting forth clearly the reasons for the Pastoral Direction given in the capacity of pastor, teacher and canonical overseer, which is neither capricious or arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, national or diocesan, and directed to some matter which concerns the Doctrine, Discipline or worship of this Church or manner of life and behavior of the Priest or Deacon addressed, and shall be deemed to include without limitation admonition and Godly admonition.

Presentment shall mean the writing under Canon IV.3.21(c) or of a Diocesan Review Committee or Review Committee to an Ecclesiastical Trial Court that there are reasonable grounds to believe (i) an Offense has been committed which is triable, and (ii) the person named therein has committed it.

Presiding Bishop shall mean the Presiding Bishop of this Church or, if there be none or the then Presiding Bishop be absent or disabled, the presiding officer of the House of Bishops.

Privileged Communications shall mean (i) disclosures in confidence made by a person to a Member of the Clergy with the purpose of seeking religious counsel, advice, solace, absolution or ministration wherein the Member of the Clergy is acting in the capacity of spiritual advisor to the person, and where the person making the disclosures has a reasonable expectation that the communication will be kept in confidence, (ii) communications privileged under the law of the state or applicable federal law, (iii) such other privileged communications as are defined under the Federal Rules of Evidence, (iv) communications between an Advocate and a Complainant, alleged Victim, or Victim, (v) communications between a Consultant and a Respondent, and (vi) communications during the Conciliation process between and among a Conciliator

and the participants in a Conciliation; but not necessarily so in federal and state civil or criminal proceedings.

Reasonable Cause shall mean grounds sufficiently strong to warrant reasonable persons to believe that the Charge is true.

Record on Appeal shall mean such part of the Presentment, original papers and exhibits filed in the Trial Court, the transcript of proceedings, the Decision of the Trial Court and the Sentence adjudged and to be imposed, as may be designated by the parties pursuant to Rule 10 of the Federal Rules of Appellate Procedure.

Remission shall mean the forgiveness and termination of a Sentence imposed.

Reporter shall mean that person charged with the responsibility of taking the recording of the proceedings. The Reporter need not reside in or be a member of the Diocese or Province in which proceedings are held under this Title.

Respondent shall mean a Member of the Clergy charged with an Offense.

Restored or Restoration shall mean the act of a Bishop or the Presiding Bishop remitting and terminating a Sentence imposed and returning a Member of the Clergy to good standing in the order to which the Member of the Clergy was ordained.

Rules of Appellate Procedure shall mean the procedural rules for conducting an Appeal of an Ecclesiastical Trial Court Judgment as set forth in Appendix B.

Rules of Procedure shall mean the procedural rules for conducting an Ecclesiastical Trial as set forth in Appendix A, except as modified by express provision of this Title.

Sentence shall mean the sentence adjudged by an Ecclesiastical Court after a finding of a commission of an Offense or the lesser Sentence to be pronounced by a Bishop or the Presiding Bishop, as the case may be. The Sentence, whether Admonition, Suspension or Deposition, shall specify the Canon or Canons under which the action is being taken.

Standard of Proof shall mean that nature of proof required for a Judgment by an Ecclesiastical Court.

Summary Judgment of Offense shall mean the determination by an Ecclesiastical Trial Court that the Respondent has committed the Offense or Offenses described in the Presentment.

Suspension shall mean a Sentence by which the Member of the Clergy is directed to refrain temporarily from the exercise of the gifts of ministry conferred by ordination.

Temporary Inhibition shall mean that Inhibition authorized by Canon IV.1.

Trial shall mean an evidentiary proceeding before an Ecclesiastical Court pursuant to this Title.

Verification shall mean a signature before a notary public or similar person authorized to take acknowledgments of signatures on a document that states that the signer has personal knowledge or has

investigated the matters set forth in the document and that they are true to the best of the signer's knowledge and belief.

Verified shall mean that an instrument contains a Verification.

Victim shall mean a person who has been, or is, or is alleged to be the object of acts of the Respondent.

Waiver and Voluntary Submission shall mean a written instrument containing the information required by this Title and Acknowledged by the person executing the same in accordance with Canon IV.2.2.

CANON 16: Of Conciliation of Disciplinary Matters

Conditions for conciliation.

Sec. 1. If the Ecclesiastical Authority or the Standing Committee, as the case may be, shall receive a complaint or Charge against a Priest or Deacon, or if the Presiding Bishop shall receive a complaint or Charge against a Bishop, which complaint or Charge on its face, if true, would constitute an Offense and the Ecclesiastical Authority or Standing Committee or Presiding Bishop, as the case may be, considers the complaint or Charge not to be a serious Offense against the Church and its good order and Discipline, but an interpersonal conflict not involving immorality or serious personal misconduct, or one that may be a technical commission of another Offense, the Ecclesiastical Authority or Standing Committee or Presiding Bishop may offer the persons involved the opportunity for conciliation in lieu of canonical proceedings seeking a Presentment.

Appointment of Conciliator.

Sec. 2. If all persons involved in the matter agree that conciliation is desirable and are willing for the matter to be conciliated, the Ecclesiastical Authority or the Standing Committee or the Presiding Bishop receiving the complaint or Charge shall appoint a Conciliator, who shall labor with those involved in the conflict that they may be reconciled.

Time periods.

Sec. 3. If the Conciliator is unable to achieve conciliation within a period of thirty (30) days, which may be extended by consent of all the participants to the conciliation for additional periods not to exceed a total of ninety (90) days from the date of the appointment of the Conciliator, the Conciliator shall refer the matter back to the appointing authority without recommendation for further proceedings under this Title.

Conciliator to report results.

Sec. 4. If conciliation is achieved, the Conciliator shall report back to the appointing authority with the results of the conciliation. The Conciliator's report shall be in writing, concisely state the allegations of the original complaint or Charge, state the terms, if any, and the results of the conciliation, which shall be agreed to, signed and Acknowledged by and between the participants in the conciliation.

RULES OF PROCEDURE OF THE ECCLESIASTICAL TRIAL COURTS**Rule 1**

These Rules of Procedure to the extent they are not inconsistent with provisions of Title IV, shall govern proceedings held in the Ecclesiastical Trial Courts. Such Courts may adopt further rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Rule 2: Summons.

(a) **Form.** The summons shall be signed by the Presiding Judge of the Court, identify the Court and the parties, be directed to the Respondent and state the name and address of the Church Attorney. It shall state the time within which the Respondent must file an Answer to the Presentment with the Court, and notify the Respondent that failure to do so will result in a Judgment that an Offense was committed by the Respondent and place the Respondent at risk for a Sentence to be pronounced at a later date. The Court may allow the Summons to be amended.

(b) **Service.** The service of the Summons and a copy of the Presentment shall be made in accordance with Canon IV.14.20. The Respondent may waive personal service in writing.

(c) **Proof of Service.** The person effecting service shall make proof of service by affidavit or sworn statement to the Court. If service is waived, the written waiver of service shall be filed with the Court.

Rule 3: Service and Filing of Pleadings and Other Papers.

Except as otherwise provided in these Rules, every pleading, paper, motion and notice required to be served on a party shall be served upon the attorney for the party unless otherwise ordered by the Court. Service upon the attorney or upon a party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party at the attorney's or party's last known address. Service by mail is complete upon mailing. The filing of papers with the Court shall be made by filing them with the clerk of the Court unless otherwise directed by the Court.

Rule 4: General Rules of Pleading.

(a) **Presentment.** The content of the Presentment shall conform to the applicable provisions of Canon 3 of this Title. It shall contain a short plain statement of the allegation of each Offense with reference to applicable provisions of Canon I of this Title, and a plain and concise statement of the facts upon which each allegation is made.

(b) **Answer.** The Answer shall state in short and plain terms the Respondent's defenses to each allegation of the Presentment, and shall

admit or deny the factual allegations of the Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

(c) **Style.** Pleadings are to be direct and concise. No technical forms of pleadings or motions are required.

(d) **Construction.** All pleadings shall be so construed as to do substantial justice.

(e) **Forms of Pleadings.** Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations of fact or defense shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

(f) **Signature.** All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

Rule 5: Defenses and Objections.

(a) **When Presented.** Unless a different time period is prescribed, a Respondent shall serve an Answer to the Presentment upon the Church Attorney and the Court within 30 days after being served a Summons and Presentment.

(b) **How Presented.** The following defenses may be asserted by motion: (1) insufficiency of service or process; (2) lack of jurisdiction; (3) failure to state the factual basis of an Offense; and (4) expiration of the applicable period of limitations as stated in Canon IV.14.4. The Respondent may also move for a more definite statement before filing an Answer if the Presentment is so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

Rule 6: Amended and Supplemental Pleadings.

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

Rule 7: Voluntary Disclosures, Discovery.

(a) **Voluntary Disclosures.** The Parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

(b) The Parties may conduct discovery through written or oral depositions or written interrogatories. The Ecclesiastical Trial Court may limit the number, length and scope of depositions or interrogatories. The Respondent shall not be required to make any statement or admission against himself or herself in any discovery procedure.

Rule 8: Taking of Testimony.

In all trials, the testimony of witnesses shall be taken orally in open Court, unless otherwise provided by the Federal Rules of Evidence or other rules adopted by the Court. Such testimony shall be given under oath or solemn affirmation.

Rule 9: Summary Judgment of Offense.

(a) **How Made.** If the Respondent fails or refuses to Answer the Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the Answer is due, move with or without supporting affidavits for Summary Judgment of Offense. The Church Attorney shall file the motion with any supporting affidavits with the Court, serve a copy of the same on the Respondent, and provide copies to each Complainant and, unless waived in writing, the alleged Victim. The motion shall be served upon the Respondent at least twenty days before the time fixed by the Court for a hearing on the Motion.

(b) **Opposing Affidavits.** Respondent prior to the day of hearing may serve opposing affidavits upon the Court and Church Attorney, and shall provide copies of such affidavits to each Complainant and, unless waived in writing, the alleged Victim.

(c) **Proceedings Thereon.** The court shall convene a hearing to consider the Motion and may, in the Court's discretion, receive oral testimony. If the Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed an Offense, the Court shall render Judgment on the matter of the Offense or Offenses described in the Presentment.

(d) **Form of Affidavits.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated in the affidavit. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

(e) **Defense Required.** When a motion is made and supported as provided in this rule, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for Trial.

FEDERAL RULES OF CIVIL APPELLATE PROCEDURE

(as modified and adopted for use in the administration of Title IV, The Canons of the Protestant Episcopal Church in the United States)

Rule 1. Scope of Rules. These rules govern procedure in appeals to Courts of Review as provided in Canon IV.4.46 and Canon IV.6.13. Courts of Review shall, in addition to these rules, be guided by the Federal Rules of Appellate Procedure.

Rule 2. Suspension of Rules. [FRAP 2 as written.]

Rule 10. The Record of Appeal.

(d) Agreed Statement as the Record on Appeal. In lieu of the Record on Appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided by the Trial Court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the Court may consider necessary fully to present the issues raised by the appeal, shall be approved by the Trial Court and shall be transmitted to the Court of Review as the Record on Appeal.

(e) Correction or Modification of the Record on Appeal. Any dispute as to whether the Record on Appeal truly discloses what occurred in the Trial Court shall be addressed to and resolved by the Trial Court.

Rule 25. Filing and Service.

(a) Filing. A paper required or permitted to be filed in the Court of Review must be filed with the Clerk of the Court of Review. Filing may be accomplished by mail addressed to the Clerk. Filing is not timely unless the Clerk receives the papers within the time fixed for filing, except that briefs and appendices are treated as filed when mailed. A Court of Review may permit filing by facsimile or other electronic means.

(b) Service of All Papers Required. [FRAP 25(b) as written.]

(c) Manner of Service. [FRAP 25(c) as written.]

(d) Proof of Service. [FRAP 25(c) as written, substituting "Rule 25 (a)" for "Rule 25(a)(2)(B)"]

Rule 26. Computation and Extension of Time. [FRAP 26 as written, substituting "Court of Review" for "Court of Appeals" and deleting the second sentence of subdivision (b)]

Rule 28. Briefs.

(a) Appellant's Brief. The brief of the appellant must contain, under appropriate headings and in the order here indicated:

- (1) A table of contents with page references, and a table of cases, canons or authorities with page references.

- (2) A statement of the issues presented for review.
- (3) A statement of the case, including a description of the course of proceedings and a statement of the facts relevant to the issues presented for review, with appropriate references to the record.
- (4) A brief summary of the argument.
- (5) An argument. The argument must contain the contentions of the appellant on the issues presented and the reasons therefor, with citations to the authorities and parts of the record relied on.
- (6) A short conclusion stating the precise relief sought.

(b) **Appellee's Brief.** The brief of appellee must conform to the requirements of paragraphs (a)(1), (4), (5), and (6).

(c) **Reply Brief.** Appellant may file a brief in reply to the brief of appellee, and if the appellee has cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues presented in the cross-appeal. All reply briefs shall contain a table of contents and a table of authorities cited with page references.

(g) **Length of Briefs.** Except by permission of the Court of Review, principal briefs shall not exceed fifty (50) pages and reply briefs must not exceed twenty-five (25) pages exclusive of pages containing the table of contents, table of authorities, proof of service and any addendum.

Rule 29. Brief of an Amicus Curiae. A brief of an amicus curiae may be filed only by leave of the Court of Review granted on motion or at the request of the Court. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

Rule 30. Appendix to the Briefs. The appellant must prepare and file an appendix to the briefs containing (1) any relevant portions of the pleadings or presentment; (2) the decision or opinion in question; and (3) any other parts of the record to which the parties wish to direct the particular attention of the Court of Review. The appendix must be filed with the brief, unless an extension is granted by the Court of Review.

Rule 32. Forms of Briefs, the Appendix and Other Papers. Briefs, appendices and other papers filed with the Court of Review may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. All printed matter must appear in at least 11 point type on unglazed, white paper, and shall be bound in volumes having pages not exceeding 8 1/2 by 11 inches, typed matter must be double spaced, with numbered pages. The front cover shall contain (1) the name of the court; (2) caption of the case; (3) nature of the proceedings in the court; (4) title of the document; and (5) the names and addresses of counsel representing the party on whose behalf the document is filed.

Rule 34. Oral Argument.

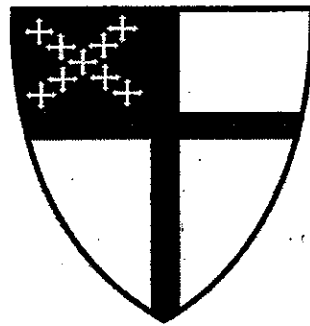
(a) **In General.** Oral argument, if requested, shall be allowed in all appeals.

(b) **Notice of Argument.** The Presiding Judge of the Court of Review shall provide at least thirty (30) day's written notice of the time and place of oral argument to all parties to the appeal.

(c) **Order and Content of Argument.** The hearing of oral argument shall proceed with the argument of appellant, argument of appellee, and rebuttal by appellant. Additional opportunities to present argument may be afforded by the Court so long as the appellant receives the final opportunity to speak. During the oral argument, the Court may address questions to any participant in the oral argument, but shall not receive any evidence not contained in the Record of Appeal.

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General Convention
Edition

HARRISBURG, PENNSYLVANIA

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**Table of Statistics of the Episcopal Church
From 2008 Parochial Reports. Source: The Office of the General Convention as of January 2010**

Province	DIOCESE	Parishes and Missions	Active Baptized Members	Commun. in Good Standing	Others Active in Cong.	Average Sunday Attendance	Church School Pupils	BAPTISMS Children	BAPTISMS Adults	CONFIRMATIONS Children	CONFIRMATIONS Adults	Received	Marriages	Burials	
Province 1	Connecticut	171	60,995	46,949	4,021	18,747	7,343	891	43	356	177	76	254	967	
	Maine	66	13,189	11,006	922	4,804	1,200	179	16	34	57	39	83	305	
	Massachusetts	179	66,866	52,953	3,571	19,351	8,039	1,182	49	313	136	97	325	1,133	
	New Hampshire	47	14,501	10,971	870	4,234	1,419	211	27	41	78	58	101	258	
	Rhode Island	58	22,455	16,734	1,997	6,078	2,116	410	24	67	82	28	147	410	
	Vermont	47	7,488	5,986	960	2,765	736	108	20	16	36	35	72	185	
	Western Massachusetts	67	18,727	12,683	1,182	5,611	1,794	322	20	73	109	67	99	401	
Total		635	204,221	157,282	13,523	61,590	22,647	3,303	199	900	675	400	1,081	3,659	
Province 2	Albany	118	18,391	13,647	750	6,991	1,776	289	48	76	123	50	116	384	
	Central New York	94	16,754	12,471	980	5,260	1,292	246	39	82	84	41	112	395	
	Churches in Europe	9	3,837	3,020	467	1,302	283	55	4	21	17	3	43	11	
	Haiti	97	83,698	20,254	2,811	16,631	6,203	1,035	580	350	359	160	141	193	
	Long Island	145	52,205	37,680	2,790	15,962	4,717	1,048	81	9	332	77	342	766	
	New Jersey	155	49,496	36,630	3,917	15,412	5,501	834	94	443	193	238	305	817	
	New York	198	62,684	46,820	6,285	20,459	5,829	1,108	115	445	251	142	439	902	
	Newark	111	29,630	24,227	1,883	9,289	3,827	519	45	220	68	41	217	492	
	Rochester	51	9,790	7,505	357	3,585	1,061	153	21	39	36	43	88	190	
	Virgin Islands	14	5,034	3,711	35	2,041	823	123	0	95	7	37	21	104	
	Western New York	63	12,809	9,802	377	4,452	1,187	199	19	58	58	45	110	309	
	Total		1,055	344,328	215,767	20,652	101,384	32,499	5,609	1,046	1,838	1,528	877	1,934	4,563
	Province 3	Bethlehem	60	12,654	9,396	962	4,121	1,231	194	26	62	66	62	85	265
		Central Pennsylvania	66	14,310	11,695	1,989	5,111	1,481	214	32	68	78	48	97	255
Delaware		35	11,749	9,848	1,131	3,936	1,012	200	17	96	35	47	75	217	
Easton		39	8,723	7,072	1,004	3,112	895	164	16	70	45	28	96	185	
Maryland		113	42,726	32,067	2,971	11,878	4,913	635	71	210	158	54	284	673	
Northwestern Pennsylvania		34	4,145	3,519	218	1,761	365	82	15	8	24	10	48	131	
Pennsylvania		148	49,057	42,095	3,495	15,726	5,929	826	78	331	190	166	337	826	
Pittsburgh		66	19,148	15,726	1,618	7,193	2,119	194	13	78	27	21	97	214	
Southern Virginia		111	32,036	25,904	3,087	11,055	3,892	366	58	204	202	97	181	457	
Southwestern Virginia		57	11,210	9,709	1,824	4,408	1,339	142	8	60	73	37	75	210	
Virginia		183	79,167	65,717	10,243	25,026	9,624	1,166	105	688	337	281	451	887	
Washington		90	41,783	32,389	5,760	15,364	4,687	664	74	198	210	83	224	506	
West Virginia	67	8,520	7,342	495	3,279	887	126	28	35	52	6	57	158		
Total		1,069	335,228	272,479	34,797	111,970	38,374	4,973	541	2,108	1,497	940	2,106	4,984	

Province	DIOCESE	Parishes and Missions	Active Baptized Members	Commun. in Good Standing	Others Active in Cong.	Average Sunday Attendance	Church School Pupils	BAPTISMS Children Adults	CONFIRMATIONS Children Adults	Received	Marriages	Burials	
Province 4	Alabama	91	32,406	28,897	3,260	10,585	4,870	429	43	389	72	188	280
	Atlanta	93	51,021	42,561	8,081	17,103	7,253	1,164	81	433	244	227	480
	Central Florida	88	32,273	27,775	4,553	14,492	2,829	498	74	257	192	193	617
	Central Gulf Coast	62	19,349	15,264	1,133	6,590	1,914	224	22	149	45	127	265
	East Carolina	76	18,410	16,208	1,579	7,137	2,149	277	31	112	50	119	221
	East Tennessee	50	15,939	12,895	831	5,649	1,707	184	30	179	44	91	216
	Florida	67	26,046	22,591	2,547	9,185	2,286	338	71	271	115	136	379
	Georgia	71	17,069	14,519	1,372	6,428	2,003	252	36	176	71	125	234
	Kentucky	36	9,856	7,992	698	3,781	1,497	163	21	81	50	71	177
	Lexington	35	8,078	6,289	403	2,937	1,208	118	27	35	37	77	99
	Louisiana	48	18,051	12,815	1,335	5,079	1,752	288	27	144	52	139	203
	Mississippi	81	18,989	16,793	1,813	6,672	2,325	232	26	219	66	126	263
	North Carolina	119	49,454	40,339	7,257	15,527	8,956	897	54	378	232	289	525
	South Carolina	72	31,572	27,808	3,910	13,906	4,422	522	73	406	157	246	369
	Southeast Florida	81	34,772	27,736	2,269	12,645	3,023	693	72	187	83	254	468
	Southwest Florida	77	35,667	30,409	5,975	14,831	2,685	438	66	182	118	184	708
	Tennessee	49	16,589	13,170	2,364	5,980	2,492	259	30	211	49	101	142
	Upper South Carolina	61	25,300	20,612	2,119	8,303	4,311	410	45	342	86	125	261
	West Tennessee	33	8,673	7,297	1,440	3,540	1,136	182	39	130	41	66	143
	Western North Carolina	62	15,804	14,332	1,749	6,604	1,741	188	22	139	54	102	233
	Total	1,352	485,318	406,302	54,688	176,974	60,529	7,756	890	4,448	1,858	2,986	6,283
Province 5	Chicago	120	37,652	30,927	1,813	13,276	5,073	669	63	393	134	276	497
	Eastern Michigan	50	7,369	6,371	430	2,803	676	129	37	22	22	73	194
	Eau Claire	22	2,117	1,766	72	892	199	40	1	16	12	15	46
	Fond Du Lac	36	6,114	4,927	491	2,326	549	115	11	66	29	41	108
	Indianapolis	47	10,524	8,193	1,097	4,241	916	147	20	95	29	80	182
	Michigan	87	22,694	18,100	1,433	7,580	2,173	356	53	110	73	130	434
	Milwaukee	57	11,077	9,709	395	4,450	1,177	188	16	83	39	74	199
	Missouri	44	13,485	12,228	1,058	4,551	1,613	156	22	51	26	85	171
	Northern Indiana	36	5,285	4,387	280	2,343	500	62	17	31	17	28	94
	Northern Michigan	27	1,778	1,311	154	653	148	29	4	6	8	22	37
	Ohio	96	26,382	21,300	1,841	8,795	3,086	319	32	100	97	124	469
	Quincy	21	1,823	1,603	131	935	161	4	1	2	3	11	26
	Southern Ohio	80	22,718	19,448	1,586	8,129	2,791	316	46	134	66	153	378
	Springfield	38	5,449	4,278	731	2,083	618	62	12	26	18	23	112
	Western Michigan	58	11,963	10,243	938	4,487	1,175	159	31	79	37	78	276
	Total	819	186,430	154,791	12,450	67,544	20,855	2,751	366	996	610	1,213	3,223

Province	DIOCESE	Parishes and Missions	Active Baptized Members	Commun. in Good Standing	Others in Cong.	Average Sunday Attendance	Church School Pupils	BAPTISMS Children Adults	CONFIRMATIONS Children Adults	Received	Marriages	Burials
Province 6	Colorado	104	28,300	24,233	4,033	10,772	2,656	505	60	44	215	469
	Iowa	62	10,188	7,652	347	3,193	1,142	163	21	34	79	207
	Minnesota	106	23,806	19,714	1,670	7,935	2,960	344	37	58	174	377
	Montana	41	5,357	4,442	455	1,827	517	56	13	11	34	120
	Nebraska	57	8,235	6,967	329	3,153	873	119	17	40	74	161
	North Dakota	21	2,596	2,058	97	804	430	45	1	3	18	44
	South Dakota	77	9,733	5,367	277	2,224	594	247	11	23	37	223
	Wyoming	45	7,385	6,406	511	2,220	645	108	19	44	85	158
	Total	513	95,600	76,839	7,719	32,128	9,817	1,587	179	291	716	1,759
Province 7	Arkansas	56	13,559	11,696	832	4,684	1,263	150	17	29	78	190
	Dallas	69	32,580	28,632	2,186	11,826	4,451	564	62	87	151	339
	Fort Worth	55	17,457	13,600	1,268	6,745	2,099	190	25	13	40	144
	Kansas	45	11,668	10,405	952	4,311	1,052	179	21	34	73	188
	Northwest Texas	36	7,297	5,384	350	2,090	788	76	5	12	34	96
	Oklahoma	71	16,141	13,959	1,036	5,697	1,426	256	38	74	114	324
	Rio Grande	53	12,306	10,204	1,636	4,572	810	166	41	33	63	236
	Texas	151	79,365	66,618	7,178	27,290	9,099	1,439	174	364	423	848
	West Missouri	50	11,501	9,457	1,043	4,289	1,116	150	40	64	83	188
	West Texas	90	27,565	20,653	2,296	9,907	2,868	418	64	122	155	404
	Western Kansas	31	2,113	1,710	291	801	174	35	6	4	12	49
	Western Louisiana	48	11,123	9,295	704	3,755	975	155	14	44	84	182
	Total	755	242,675	201,613	19,772	85,967	26,121	3,778	507	880	1,310	3,188
Province 8	Alaska	50	7,208	5,581	319	1,783	540	149	19	4	48	159
	Arizona	59	24,945	20,412	3,890	9,044	2,116	497	78	56	101	373
	California	81	27,142	23,633	1,889	9,001	3,208	489	51	36	232	366
	Eastern Oregon	22	2,632	2,040	182	1,158	241	38	7	5	21	51
	El Camino Real	50	13,750	11,386	915	4,750	1,313	211	31	63	86	227
	Hawaii	38	7,761	6,348	440	3,321	686	189	35	25	81	15
	Idaho	29	5,314	4,769	367	1,732	606	61	14	14	30	73
	Los Angeles	144	64,953	49,119	6,230	19,991	5,630	1,028	152	99	410	632
	Micronesia	4	555	221	12	138	31	4	0	0	4	2
	Navajo Missions	8	612	429	27	200	71	40	3	0	5	20
	Nevada	34	5,668	4,678	221	2,127	464	116	29	26	59	97
	Northern California	69	14,008	12,236	884	5,694	1,310	253	46	19	112	278
	Olympia	94	30,659	25,134	1,637	9,944	2,812	375	79	62	177	498
	Oregon	74	18,791	14,714	1,313	6,924	1,793	234	52	80	107	326
	San Diego	51	18,330	15,728	1,718	7,204	2,028	298	30	43	98	290
	San Joaquin	19	2,246	1,795	298	896	169	28	10	13	6	43
	Spokane	41	6,792	5,811	431	2,293	538	91	13	1	50	159
	Taiwan	13	996	681	147	680	0	0	0	0	0	0
	Utah	23	5,250	4,301	318	1,612	561	90	23	44	20	87
	Total	903	257,612	209,016	21,238	88,492	24,117	4,191	672	1,199	1,679	3,863

Province	DIOCESE	Parishes and Missions	Active Baptized Members	Commun. In Good Standing	Others Active in Cong.	Average Sunday Attendance	Church School Pupils	BAPTISMS		CONFIRMATIONS		Received	Marriages	Burials
								Children	Adults	Children	Adults			
Province 9	Colombia	24	3,040	1,205	321	1,081	333	139	34	36	49	116	121	29
	Dominican Republic	57	6,162	3,317	1,145	3,058	1,346	262	132	116	245	94	51	43
	Ecuador, Central	23	1,774	1,131	394	1,126	253	268	39	79	111	118	60	31
	Ecuador, Litoral	27	8,007	1,129	286	891	322	266	80	419	148	44	10	10
	Honduras	137	49,246	29,098	14,110	12,340	5,891	534	104	91	131	76	47	74
	Puerto Rico	46	5,244	4,014	616	2,342	857	194	17	63	45	105	75	117
	Venezuela	20	797	539	204	489	194	196	38	82	18	36	11	6
	Total	334	74,270	40,433	17,076	21,327	9,196	1,859	444	886	747	589	375	372
	Domestic Dioceses	6,964	2,057,292	1,666,202	181,367	705,257	227,619	32,731	3,816	10,989	12,370	6,196	12,816	31,212
	Non-Domestic Dioceses	471	168,390	68,320	20,548	42,119	16,536	3,076	1,028	1,352	1,130	789	584	68
	The Episcopal Church	7,435	2,225,682	1,734,522	201,915	747,376	244,155	35,807	4,844	12,341	13,500	6,985	13,400	31,894

Note: These figures are compiled from 2008 Parochial Reports submitted to the General Convention Office, 815 Second Avenue, New York, NY 10017-4564. For further information about the Parochial Report, contact the Research Office, DFMS, email:dalexisearvin@episcopalchurch.org, or phone (800) 334-7626. Honduras and Venezuela figures are from 2007.

DIOCESE OF FORT WORTH

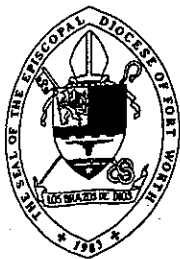
(PROVINCE VII)

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A Donald Davies 1983-85,
Clarence C Pope Jr 1986-94,
Jack Leo Iker 1995-2008,
Edwin F Gulick Jr 2009
(Provisional)

Provisional Bishop — Rt Rev C Wallis Ohl (930)

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Off Rev JF Barber*

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Dio Conv: 13 Nov 2010 Fort Worth

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Arlington St Alban P holding services at
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(Mail: PO Box 13601 76079) *Melanie Wright
Sharla Marks* (817) 715-2400

Fort Worth All Saints P § 5001 Crestline Rd
76107-3699 *Christopher N Jambor David
Madison Melanie Barbarito Edwin Barnett
Melvin A Bridge Johnson Shannon* (817)
732-1424

Fort Worth Christ the King P meeting at St
Giles Presbyterian 8700 Chaplain Rd 76116
(Mail: 2630 West Freeway #218 76102)
ClayOla Gitane (817) 335-3838

Fort Worth Holy Apostles P meeting at McCall
Elementary School 400 Scenic Trail Willow
Park Texas 76087 (Mail: 1118 Fox Hunt Tr
Willow Park 76087) *ClayOla Gitane Dana
Wilson*

Fort Worth St Anne P Fort Worth 76179 (Mail:
c/o Linda Johnson 7905 Sandy Shore Court)
(817) 301-2942

Fort Worth St Christopher P § 3550 SW Loop
820 76133 *William T Stanford* (817) 926-
8277

Fort Worth St Elisabeth M 5910 Black Oak Ln
76114 *James Horton* (817) 738-0504

Fort Worth St Lukes-In-The-Meadow P 4301
Meadowbrook Dr 76103 *Susan Slaughter*
(817) 534-4925

Fort Worth St Simon of Cyrene P meeting
at St Christopher Episcopal Church 3550
Southwest Loop 820 76133 (Mail: 5629
Conlin Dr 76134) (817) 939-6693

Fort Worth Trinity P § 3401 Bellaire Dr S 76109
*J Frederick Barber Michael Caldwell Janet G
Nocher* (817) 926-4631

Granbury Good Shepherd P meeting at The
Wednesday Women's Club 306 N Travis St
76048 (Mail: PO Box 232) *Frank Reeves*
(817) 326-3464

Hamilton St Mary M meeting at 600 E Main
St 76531 (Mail: 830 CR 109) *Stan Sullivan
Linda Sutherland* (254) 386-4412

Hillsboro St Mary M 206 N Abbott St 76645
(Mail: 109 Corsicana) (254) 582-2255

Hurst St Stephens P meeting at Northeast
Wedding Chapel 1843 Precinct Line Rd
76054 (Mail: PO Box 54864) *Vernon Gotcher*
(817) 688-2813

Keller St Martin P § 223 S Pearson Ln 76248
James Reynolds (817) 431-2396

Stephenville St Luke P 595 N McIlhaney St
76401 *Calvin Girvin* (254) 968-6949

Weatherford All Saints P meeting at McCall
Elementary School 400 Scenic Trail Willow
Park 76087 (Mail: 1118 Fox Hunt Tr Willow
Park 76087) *ClayOla Gitane Dana Wilson*
(817) 637-1820

Wichita Falls All Saints P meeting at the ARC
3115 Buchanan 76308 (Mail: 2414 Lou Ln
76301) (940) 692-0824

Wichita Falls Good Shepherd P meeting at
St Stephen Episcopal Church 5023 Lindale
76310 (Mail: 2851 Judson 76308)

Wichita Falls St Stephen M 5023 Lindale Dr
76310 *John Payne* (940) 692-3982

Willow Park St Francis of Assisi P meeting at
McCall Elementary School 400 Scenic Trail
76087 (Mail: 1118 Fox Hunt Trail) *ClayOla
Gitane Dana Wilson* (817) 637-1820

*The following congregations are in the process of
reorganization, with temporary mail c/o Episcopal
Diocese of Fort Worth, 3550 Southwest Loop 820,
Fort Worth, Texas 76133:*

Alvarado St Anthony M
Arlington St Mark M

Arlington St Peter & St Paul M
 Arlington St Philip M
 Bedford St Vincent's M
 Bowie St Patrick M
 Breckenridge St Andrew M
 Bridgeport Ascension and St Mark M
 Brownwood Good Shepherd M
 Brownwood St John M
 Burkburnett St John the Divine M
 Cleburne Holy Comforter M
 Comanche St Matthew M
 Dublin Trinity M
 Eastland Holy Trinity M
 Fort Worth Iglesia San Juan Apostol M
 Fort Worth Iglesia San Miguel M
 Fort Worth St Andrew M
 Fort Worth St John M
 Fort Worth St Michael M
 Fort Worth St Timothy M
 Gainesville St Paul M
 Graham Holy Spirit M
 Grand Prairie St Andrew M
 Grand Prairie St Joseph M
 Grapevine St Laurence M
 Henrietta Trinity M
 Hubbard St Alban M
 Jacksboro St Thomas the Apostle M
 Keller St Barnabas M
 Laguna Park Our Lady of the Lake M
 Mansfield St Gregory M
 Mineral Wells St Luke M
 Possum Kingdom Lake St Peter-by-the-Lake M

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 Clark RN *ret* Ft Worth TX
 Coggin BW *ret* Fort Worth TX
 Fisher RE *ret* Santa Anna TX
 Hayden L *ret* Germantown TX
 Hazel JA Ft Worth TX
 Heverly E *ret* Roselle IL
 Honea B *ret* Ft Worth TX
 Huerta E *ret* Houston TX
 Keene J *ret* Lakeside TX
 Kesler WW *ret* Fort Worth TX
 Komstedt W *ret* The Villages FL
 Kreymer DN *ret* Santa Maria CA
 McClain S *ret* Ft Worth TX
 Moffat AD *ret* Wichita Falls TX
 Moore C *ret* Plano TX
 Morrow Q *ret* Lakeside CA
 Norwood JU *ret* Arlington TX
 Pool G Ft Worth TX
 Powell T *ret* Ft Worth TX
 Smith J *ret* Hurst TX
 Stanley JH *ret* Ft Worth TX

JOURNALS

OF THE

GENERAL CONVENTIONS

OF THE

Protestant Episcopal Church,

IN THE

UNITED STATES OF AMERICA;

FROM THE YEAR 1784 TO THE YEAR 1814, INCLUSIVE.

ALSO,

FIRST APPENDIX,

CONTAINING

THE CONSTITUTION AND CANONS.

AND

SECOND APPENDIX,

CONTAINING

THREE PASTORAL LETTERS.

PHILADELPHIA:

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1817.

A367

First
London
59

114

CONTENTS.

	<i>Page</i>
Journal of the Convention of 1785.	1
Do. of the 1st Convention of 1786.	17
Do. of the 2d do. of do.	30
Do. of the 1st do. of 1789.	45
Do. of the 2d do. of do.	69
Do. of the Convention of 1792.	111
Do. of do. of 1795.	135
Do. of do. of 1799.	160
Do. of do. of 1801.	192
Do. of do. of 1804.	213
Do. of do. of 1808.	244
Do. of do. of 1811.	266
Do. of do. of 1814.	288
Constitution of the Church.	327
Canons of 1808.	329
Canon of 1811.	344
Canons of 1814.	344
Prayer at the meetings of Convention.	345
Course of Ecclesiastical Studies.	345
Pastoral Letter, I. (from Baltimore.)	351
Do. II. (from New Haven.)	365
Do. III. (from Philadelphia.)	371

PREFACE.

IN the ensuing volume, there are contained all the Journals of the General Conventions of "The Protestant Episcopal Church in the United States of America," from the beginning of its organization to the present time: including a space of thirty years.

The increasing difficulty of possessing sets of these documents, induced the House of Bishops, at the General Convention held in the month of April, 1814, with the approbation of the House of Clerical and Lay Deputies, to authorize the present publication by the Subscriber; as may be seen on their Journal, page 294 of this volume. Reference to former transactions being occasionally necessary, not only to account for existing regulations, but for the explaining of them; it must be perceived, that there was great occasion for the measure adopted. It may be considered as expedient, were no other object in view, than the preparing of materials which may in future interest the curiosity of the Members of this Church.

As the first of the Journals refers to certain proposals, issued by sundry Clergymen and Laymen, assembled in the City of New York, in the month of October of the preceding year; and as the Journal states those Proposals to have been acted on, without a repetition of their contents; the Subscriber finds himself called on to give the following narrative.

In pursuance of preceding correspondence, there assembled some of the Clergy of New York, of New Jersey, and of Pennsylvania; in the city of New Brunswick, New Jersey, in May, 1784: And there being a few respectable Lay Members of the Church attending on public business in the same city, their presence was desired. The immediate object of the meeting, was the revival of a charitable corporation, which had existed before the Revolution; clothed with corporate powers, under the government of each of the said three Provinces. The opportunity was improved by the Clergy from Pennsylvania, of communicating certain measures recently adopted in that State, tending to the organizing of the Church throughout the union. The result was, the inviting of a more general meeting in the ensuing October, at the city of New York: that being the time and place, wherein, according to the charter of the above mentioned corporation, their next meeting should be held. It was accordingly held, for the revival of the corporation: And there appeared Deputies, not only from the said three States,

PREFACE.

but also from others; with the view of consulting on the existing exigency of the Church. The greater number of these Deputies, were not vested with powers for the binding of their constituents: And therefore, although they called themselves a Convention, in the lax sense in which the word had been before used, yet they were not an organized body. They did not consider themselves as such: And their only act, was the issuing of a recommendation to the Churches in the several states, to unite under a few articles to be considered as fundamental. These are the articles referred to, but not printed in the first Journal; and therefore are now inserted, in a Note to this Preface.*

WM. WHITE,
Bishop of the Protestant Episcopal Church, in the
Commonwealth of Pennsylvania.

* The Articles referred to are as follow:

1. That there shall be a general convention of the Episcopal Church in the United States of America.
2. That the Episcopal Church in each state, send deputies to the convention, consisting of clergy and laity.
3. That associated congregations, in two or more states, may send deputies jointly.
4. That the said church shall maintain the doctrines of the Gospel, as now held by the Church of England; and shall adhere to the liturgy of the said church, as far as shall be consistent with the American revolution, and the constitutions of the respective states.
5. That in every state, where there shall be a Bishop duly consecrated and settled, he shall be considered as a member of the convention ex officio.
6. That the clergy and laity, assembled in convention, shall deliberate in one body, but shall vote separately: And the concurrence of both shall be necessary to give validity to every measure.
7. That the first meeting of the convention shall be at Philadelphia, the Tuesday before the feast of St. Michael next; to which it is hoped and earnestly desired, that the Episcopal Churches in the respective states will send their clerical and lay deputies; duly instructed and authorized to proceed on the necessary business, here-in proposed for their deliberation.

JOURNAL
OF A
CONVENTION

OF THE
PROTESTANT EPISCOPAL CHURCH,
IN THE STATES OF

NEW YORK, MARYLAND,
NEW JERSEY, VIRGINIA,
PENNSYLVANIA, AND
DELAWARE, SOUTH CAROLINA.

HELD IN

CHRIST CHURCH, IN THE CITY OF PHILADELPHIA,

FROM

September 27th to October 7th, 1785.

B

LIST OF THE MEMBERS OF THE CONVENTION.

From the State of New York.

The Rev. Samuel Provost, A. M. Rector of Trinity Church,
New York.

The Hon. James Dyane, Esquire.

From the State of New Jersey.

The Rev. Abraham Beach, A. M. Rector of Christ Church,
New Brunswick.

The Rev. Uzall Ogden, Rector of Christ Church, Sussex.
Patrick Dennis, Esquire.

From the State of Pennsylvania.

The Rev. William White, D. D. Rector of Christ Church
and St. Peter's, Philadelphia.

The Rev. Samuel Magaw, D. D. Rector of St. Paul's Church,
Philadelphia.

The Rev. Robert Blackwell, A. M. Assistant Minister of
Christ Church and St. Peter's, Philadelphia.

The Rev. Joseph Hutchins, A. M. Rector of St. James's
Church, Lancaster.

The Rev. John Campbell, A. M. Rector of York and Hunt-
ingdon.

Richard Peters, Esquire.

Jasper Yates, Esquire.

Stephen Chambers, Esquire.

Samuel Powell, Esquire.

Thomas Hartley, Esquire.

Edward Shippen, Esquire.

John Clark, Esquire.

William Atee, Esquire.

Mr. Andrew Doz.

Mr. Edward Duffield.

Mr. Joseph Swift.

Mr. Nicholas Jones.

Mr. John Wood.

TUESDAY, 27th of September, 1785.

CLERICAL and Lay Deputies from several of the states assembled, and judging it proper to wait the arrival of the deputies from the other states, Adjourned until to-morrow at ten o'clock.

WEDNESDAY, 28th of September, 1785.

The Convention met, according to adjournment; and the Rev. Dr. Keene, by desire, read prayers.

The Rev. David Griffith was unanimously chosen Secretary. On motion Resolved, That a President be now chosen by ballot, and that each state have one vote; which being done, and the ballots counted, it appeared that the Rev. William White, D. D. was unanimously chosen.

Ordered, That the Deputies from the several states produce the testimonials of their appointment; which being done, and the testimonials read

Resolved, That the testimonials produced from the church in the several states, viz. in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South Carolina, are satisfactory. The Resolutions of a Convention of the Protestant Episcopal Church, held in the city of New York, on the 6th and 7th days of October, 1784, were read.

Ordered, That the same lie on the table.
Adjourned to six o'clock this evening.

WEDNESDAY EVENING, six o'clock.

The Convention met, according to adjournment. Ordered, That the proceedings of a former Convention at New York be again read; which being done, and the different articles considered

Resolved, That the first, second, and third articles proposed as fundamental by the said Convention, are approved of. The fourth article being read, it was, on motion, Resolved, That a Committee be appointed, consisting of one Clerical and one Lay-Deputy from the Church in each state, to consider of and report such alterations in the Liturgy, as shall render it consistent with the American revolution and the constitutions of the respective states: And such further alterations in the Liturgy, as it may be advisable for this Convention to recommend to the consideration of the Church here represented.

Resolved, That the fifth, sixth, and seventh of the aforesaid articles proposed as fundamental are approved of; the sixth article

From the State of Delaware

- The Rev. Charles H. Wharton, Rector of Emanuel Church, New Castle.
- The Hon. Thomas Duff, Esquire.
- James Sykes, Esquire.
- Mr. John Roeck.
- Mr. Joseph Tatlow.
- Mr. Alexander Reynolds.
- Mr. Robert Clay.

From the State of Maryland

- The Rev. William Smith, D. D. Principal of Washington College, and Rector of Chester Parish.
- The Rev. Samuel Keene, D. D. Rector of Dorchester Parish.
- The Rev. William West, D. D. Rector of St. Paul's, Baltimore Town.
- The Rev. John Andrews, D. D. (late Rector of St. Thomas's, Baltimore, and now) Principal of the Academy of the Protestant Episcopal Church, Philadelphia.
- The Rev. James Jones Wilmer, Rector of St. George's, Harford County.
- Dr. Thomas Craddock.
- Mr. Joseph Condit.

From the State of Virginia

- The Rev. David Griffith, Rector of Fairfax Parish.
- John Page, Esquire.

From the State of South Carolina

- The Rev. Henry Purcell, D. D. Rector of St. Michael's, Charleston.
- The Hon. Jacob Read, Esquire.
- The Hon. Charles Pinckney, Esquire.

man of the Committee, in perfecting the important business in which they have been engaged.

On motion, *Resolved*, That the thanks of this Convention be given to the Reverend Mr. Griffith, for his ability and diligence in the discharge of his duty as Secretary.

Then the members present of the Convention signed all the acts and instruments, and afterwards adjourned, to meet on Friday, ten o'clock, at the Academy of the Protestant Episcopal Church, in order to attend divine service and sermon.

FRIDAY, 7th of October, 1785.

The Convention met, according to adjournment, and attended divine service in Christ Church, when the Liturgy, as altered, was read by the Reverend Dr. White, and a suitable sermon was preached by the Reverend Dr. Smith; after which the Convention adjourned, to meet this evening at seven o'clock, at the Academy of the Protestant Episcopal Church.

FRIDAY EVENING, 7th of October.

The Convention met, according to adjournment, and attended divine service in Christ Church, when the Liturgy, as altered, was read by the Reverend Dr. White, and a suitable sermon was preached by the Reverend Dr. Smith; after which the Convention adjourned, to meet this evening at seven o'clock, at the Academy of the Protestant Episcopal Church.

Signed, by order of the Convention,
WILLIAM WHITE, President.

Attest, DAVID GRIFFITH, Secretary.

JOURNAL

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NEW YORK, MARYLAND,
NEW JERSEY, VIRGINIA,
PENNSYLVANIA, AND
DELAWARE, SOUTH CAROLINA.

HELD IN

CHRIST CHURCH, IN THE CITY OF PHILADELPHIA,

FROM

June 20th to the 26th, 1785.

D

LIST OF THE MEMBERS OF THE CONVENTION.

From the State of New York.

The Rev. Samuel Provost.
The Rev. Joshua Bloomer.
The Hon. John Jay, Esquire.

From the State of New Jersey.

The Rev. Abraham Beach.
The Rev. William Frazer.
The Hon. David Brearley, Esquire.
James Parker, Esquire.
Matthias Halsted, Esquire.

From the State of Pennsylvania.

The Rev. William White, D. D.
The Rev. Samuel Magaw, D. D.
The Rev. Robert Blackwell.
The Rev. Joseph Pilmore.
The Hon. Francis Hopkinson.
Blunket Ficeon, Esquire.
Samuel Powell, Esquire.

From the State of Delaware.

The Rev. Charles H. Wharton, D. D.
The Rev. Sydenham Thorne.
Robert Clay, Esquire.
Nicholas Ridgely, Esquire.

From the State of Maryland.

The Rev. William Smith, D. D.
The Rev. William Smith, of Stépheny Parish.

From the State of Virginia.

The Rev. David Griffith.
The Hon. Cyrus Griffin, Esquire.

From the State of South Carolina.

The Rev. Robert Smith.
Edward Michel, Esquire.
The Hon. John Parker, Esquire.

JOURNAL, &c.

TUESDAY, 20th of June, 1786.

CLERICAL and Lay Deputies from several of the states assembled; and judging it proper to wait for a fuller Convention before they entered on business,
Adjourned to ten o'clock to-morrow.

WEDNESDAY, 21st of June, 1786.

The Convention was opened with divine service, read by the Rev. Dr. Smith and the Rev. Mr. Griffith, and a Sermon on the occasion, by the Rev. Dr. White.

Ordered, That the Members present exhibit the testimonials of their respective appointments; which was done accordingly.
Adjourned to nine o'clock to-morrow.

THURSDAY, 22d of June, 1786.

The Convention met, and proceeded to the election of a President and Secretary by ballot; when the Rev. David Griffith was duly elected President, and the Hon. Francis Hopkinson, Secretary of this Convention.

Motion made by the Rev. Robert Smith, and seconded,

That the Clergy present produce their letters of orders, or declare by whom they were ordained.

Whereupon the previous question was moved by the Rev. Dr. Smith, and seconded by Dr. White, viz.

Whether this question shall now be put?—which being carried in the affirmative,—the main question was then proposed, and determined in the negative.

On motion made and seconded,

Ordered, That the letter from the Archbishops and Bishops of England to this Convention be now read, and it was read accordingly, in the words following:

London, February 24, 1786.

To the Clerical and Lay Deputies of the Protestant Episcopal Church in sundry of the United States of America.

THE Archbishop of Canterbury hath received an address, dated in Convention, Christ-Church, Philadelphia, October 5, 1785, from the Clerical and Lay Deputies of the Protestant Episcopal Church in sundry of the United States of America, directed to the Archbishops and Bishops of England, and requesting them to confer the Episcopal character on such persons as shall be recommended by the Episcopal Church in the several states by them represented.

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IN THE STATES OF

NEW YORK, NEW JERSEY, DELAWARE,
PENNSYLVANIA, AND SOUTH CAROLINA.

WILMINGTON, IN THE STATE OF DELAWARE,

October 10th and 11th, 1786.

LIST OF THE MEMBERS OF THE CONVENTION.

From the State of New York.

The Rev. Dr. Samuel Provost,
The Hon. James Duane, Esquire,
John Rutherford, Esquire.

From the State of New Jersey.

The Rev. Uzal Ogden,
The Rev. William Frazer,
John Cox, Esquire,
Henry Waddel, Esquire,
Joshua Maddox Wallace, Esquire.

From the State of Pennsylvania.

The Rev. Dr. William White,
The Rev. Dr. Samuel Magaw,
The Rev. Robert Blackwell,
The Hon. Francis Hopkinson, Esquire,
Samuel Powel, Esquire,
Bernard Gilpin, Esquire.

From the State of Delaware.

The Rev. Dr. Charles H. Wharton,
The Rev. Sydenham Thorne,
Isaac Grantham, Esquire,
James Sykes, Esquire.

From the State of South Carolina.

The Rev. Robert Smith,
John Rutledge, jun. Esquire,
The Rev. Dr. William Smith, *from the State of Maryland.*

JOURNAL, &c.

WOLFELOW ROAD, 49, BELLINGHAM STREET,

TUESDAY, October 10th, 1886.

DR. GRIFFITH, the President, not attending, the Secretary was desired to take the Chair.

A question was then agitated, whether this meeting is to be considered as a new Convention, or an adjournment of that lately held at Philadelphia? and it was unanimously determined, that this shall be considered as an adjourned Convention.

On motion, it was agreed that the Rev. Dr. Magaw be requested to preach the Convention sermon to-morrow, in case Dr. Griffith, who was appointed to that service, should not come in time.

On motion, the letters received, since the last meeting, from the Archbishops of England, with the forms of testimonials, and act of Parliament, enclosed and referred to, be now read, and they were read accordingly, in the words following:

To the Committee of the General Convention at Philadelphia, the Rev. Dr. White, President; the Rev. Dr. Smith, the Rev. Mr. Provost, the Hon. James Duane, Samuel Forster, and Richard Peters, Esqrs.

Mr. President and Gentlemen,

INFLUENCED by the same sentiments of fraternal regard, expressed by the Archbishops and Bishops in their answer to your address; we desire you to be persuaded, that if we have not yet been able to comply with your request, the delay has proceeded from no tardiness on our part. The only cause of it has been the uncertainty in which we were left by receiving your address unaccompanied by those communications with regard to your Liturgy, Articles and Ecclesiastical Constitution, without the knowledge of which we could not presume to apply to the Legislature, for such powers as were necessary to the completion of your wishes. The Journal of the Convention, and the first part of your Liturgy, did not reach us till more than two months after our receipt of your address; and we were not in possession of the remaining part of it and of your articles, till the last day of April. The whole of your communications was then, with as little delay as possible, taken into consideration at a meeting of the Archbishops and fifteen of the Bishops, being all who were then in London and able to attend; and it was impossible not to observe with concern, that if the essential doctrines of our common faith were retained, less respect however was paid to our Liturgy than its own excellence,

and your declared attachment to it, had led us to expect not to mention a variety of verbal alterations, of the necessity or propriety of which we are by no means satisfied, we saw with grief, that two of the confessions of our Christian Faith, respectable for their antiquity, have been entirely laid aside; and that even in that which is called the Apostle's Creed, an article is omitted, which was thought necessary to be inserted, with a view to a particular heresy, in a very early age of the Church, and has ever since had the venerable sanction of universal reception. Nevertheless, as a proof of the sincere desire which we feel to continue in spiritual communion with the members of your church in America, and to complete the orders of your ministry, and trusting that the communications which we shall make to you, on this subject of these and some other alterations, will have their desired effects, we have even under these circumstances, prepared a Bill for conveying to us the powers necessary for this purpose. It will in a few days be presented to Parliament, and we have the best reasons to hope that it will receive the assent of the Legislature. This Bill will enable the Archbishops and Bishops to give Episcopal Consecration to the persons who shall be recommended, without requiring from them any oaths or subscription inconsistent with the situation in which the late revolution has placed them; upon condition that the full satisfaction of the sufficiency of the persons recommended, which you offer to us in your address, be given to the Archbishops and Bishops. You will doubtless receive it as a mark both of our friendly disposition toward you, and of our desire to avoid all delay on this occasion, that we have taken this earliest opportunity of conveying to you this intelligence, and that we proceed (as supposing ourselves conversed with that power which for your sakes we have requested) to state to you particularly the several heads upon which that satisfaction which you offer, will be accepted, and the mode in which it may be given. The anxiety which is shown by the Church of England to prevent the intrusion of unqualified persons into even the inferior offices of our ministry, confirms our own sentiments, and points it out to be our duty, very earnestly to require the most decisive proofs of the qualifications of those who may be offered for admission to that order, to which the superintendance of those offices is committed. At our several ordinations of a Deacon and a Priest, the candidate submits himself to the examination of the Bishop as to his proficiency in learning; he gives the proper security of his soundness in Faith by the subscriptions which are made previously necessary; he is required to bring testimonials of his virtuous conversation during the three preceding years; and that no mode of inquiry may be omitted, public notice of his offering himself to be ordained is given to the Parish Church where he resides or ministers, and the people are solemnly called upon to declare, if they know any impediment for the which he ought not to be admitted. At the time of ordina-

then proceeded to sign his testimonials, in the form prescribed by the Archbishops of England, for the general Convention.

The Convention of Pennsylvania, had elected and recommended the Rev. Dr. William White, and his testimonials were in like manner signed by the members present.

It appeared also, that the Convention of Virginia had elected and recommended the Rev. Dr. David Griffith, and his testimonials were accordingly signed.

Resolved, that the thanks of this Convention be given to the Rev. Dr. Magaw, for his sermon this forenoon,—to the President, for his impartial and judicious conduct, and to the Secretary, for his attention and services.

Resolved, that the Rev. Dr. Provost, President, Rev. Dr. Smith, Rev. Dr. White, Rev. Dr. Griffith, Hon. John Jay, Hon. James Duane, Hon. Francis Hopkinson, and Samuel Powel, Esquire, be the Committee of Correspondence; and that they have power to call a general Convention of the Church, to meet at Philadelphia, whenever a majority of the said Committee shall think it necessary.

Resolved, that the Rev. Dr. Provost be requested to preach before the Convention, at their next meeting.

Adjourned, *Sine Die.*

Signed by order of the Convention,

SAMUEL PROVOST, President,

FRANCIS HOPKINSON, Secretary.

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DELAWARE, SOUTH CAROLINA:

HELD IN

CHRIST CHURCH, IN THE CITY OF PHILADELPHIA,

FROM

July 28th to August 8th, 1789.

LIST OF THE MEMBERS OF THE CONVENTION.

THE Right Rev. William White, D. D. Bishop of the Protestant Episcopal Church in the State of Pennsylvania, and President of the Convention.

From the State of New York.

The Rev. Abraham Beach, D. D.
The Rev. Benjamin Moore, D. D.
Mr. Moses Rogers.

From the State of New Jersey.

The Rev. William Fraser.
The Rev. Uzal Ogdén.
The Rev. Henry Waddel.
The Rev. George H. Spieren.
John Cox, Esquire.
Robert Strettel Jones, Esquire.
Samuel Ogdén, Esquire.

From the State of Pennsylvania.

The Rev. Samuel Magaw, D. D.
The Rev. Robert Blackwell, D. D.
The Rev. Joseph Pilmere.
The Rev. Joseph G. J. Bend.
The Hon. Francis Hopkinson, Esquire.
Samuel Powel, Esquire.
Dr. Gerardus Clarkson.
Teach Coxé, Esquire.

From the State of Delaware.

The Rev. Joseph Couden.
The Rev. Stephen Sykes.
James Sykes, Esquire.
Thomas Duff, Esquire.
Mr. Philip Reading.

From the State of Maryland.

The Rev. William Smith, D. D.
The Rev. Thomas John Claggett, D. D.
The Rev. Colin Ferguson, D. D.
The Rev. John Bisset.
Richard B. Carmichael, Esquire.
Dr. William Frisby.

From the State of Virginia.

Robert Andrews, Esquire.
From the State of South Carolina.
The Rev. Robert Smith.
William Ward Burrows, Esquire.
William Brisbane, Esquire.

JOURNAL, &c.

TUESDAY, July 28th, 1789.

CLERICAL and Lay Deputies from several of the states assembled; and judging it proper to wait the arrival of the Deputies from the other states,

Adjourned to nine o'clock to-morrow morning.

WEDNESDAY, July 29th, 1789.

The Convention met.

The Right Rev. Dr. White, President, ex officio.

The Rev. Dr. Claggett read prayers.

The Right Rev. Dr. Provost, who was to have preached on the opening of the Convention, being absent through indisposition, the Rev. Dr. Smith preached, agreeably to request made yesterday.

The Hon. Mr. Hopkinson was unanimously chosen Secretary; but being indisposed, Mr. Trench Coxé was requested to officiate. Ordered, That the members present produce the testimonials of their respective appointments, which, being produced, were read, and deemed satisfactory.

Mr. Andrews, Lay Deputy from Virginia, informed the Convention, that the Rev. Dr. Griffith, the Clerical Delegate from the said state, was in town, but detained by sickness from the Convention.

A certificate of the consecration of the Right Rev. William White, D. D. Bishop of the Protestant Episcopal Church in the state of Pennsylvania, and the Right Rev. Samuel Provost, D. D. Bishop of said church in the state of New York, signed by Robert Jenner, Notary Public, and dated February 4, 1787, was produced and read; also a certificate of the consecration of the Right Rev. Dr. White, signed by his Grace, the Archbishop of Canterbury, and countersigned by his Grace, the Archbishop of York, and the Right Rev. the Bishops of Bath and Wells and of Peterborough.

Mr. Andrews communicated to the Convention the following extract from the minutes of the Convention of this church in the state of Virginia.

In Convention, May 8, 1789.

Resolved, That the Deputies appointed to attend the next General Convention of the Protestant Episcopal Church be desired to notify to the General Convention, that the Rev. Dr. Griffith, Bishop elect of the said church in this state, has relinquished the said appointment, and that no person has been elected in his room.

in the city of Philadelphia: from thence forward to the year 1780 in the churches of the Oxford Mission, in the county of Philadelphia; and from the latter part of the year 1780, to July 1st, 1789, in Chester parish, Kent county, Maryland.

During the foregoing long period of ministerial service, the author hath frequently been solicited to print or to give manuscript copies of many of the Sermons, and hath, as his leisure would allow, so often indulged some of his too partial friends and hearers in the latter way, that copies of sundry Sermons have been multiplied in manuscript, and circulated in a condition not only very incorrect, but wholly without those last improvements and touches, which the best of them stand much in need of; and which the Author had always designed to bestow on some of them, and bequeath them as a legacy to his surviving friends and hearers; if health and opportunity should permit; and if that should not be the case, he had directed those few, together with the whole remainder in the following list, to be suppressed from public view as hasty and unfinished compositions.

But the late change in the Author's situation, the resignation of his parochial as well as collegiate charge in the state of Maryland, and his return to his former station in the college of Philadelphia (added to the consideration of his advanced age) rendering it probable that he can never again engage in any stated parochial duty; the applications of some of his former friends and hearers have been renewed for the publication of sundry of those Sermons, which had long since been delivered before them, and of which some of them had been supplied with manuscript copies.

In some late conversations with judicious and worthy persons both of the Clergy and Laity; respecting the present state of our churches and people in America, it hath been further suggested that the cause of religion and faith might be much promoted by the publication of a sufficient number of sermons, or discourses digested, as nearly as possible, into a system or body of divinity comprehending the most useful and important articles of the christian doctrine; treated of in a scriptural and evangelical way in an easy, affectionate, and correct style; suited to the mind and apprehensions of the young and those of inferior capacity, as well as edifying to those of riper years and more improved understanding; not running out into learned niceties or debates, to disturb common readers or hearers; but avoiding all speculative and controversial subjects, or touching upon them only to improve them, as far as possible, towards the purposes of practical godliness and vital christianity.

Although the author hath not the vanity to imagine that the following Sermons are wholly sufficient for this good design, yet they may lay the foundation of a more perfect work; and he finds upon an arrangement of them under proper heads, that in order to form a tolerably complete system, only a few Sermons would be wanting, and these chiefly upon such speculative and

controversial points, as the author hath ever avoided in the publication which (if thought necessary in a work of this kind) might be selected from some of the ablest and most orthodox divines of our church.

Indeed, it may be said, that a complete body of sermons and sermons might be selected or compiled in this way; and attempts of that kind have been made with good effect. But, as every age and country is best pleased with its own forms, compositions and phrases of speech, the author flatters himself, that if it should please God to enable him to finish those sermons in the way first proposed, they will be at least acceptable to those who have desired the publication of any of them. He further trusts, that if his design should meet with that approbation and countenance which he affectionately solicits from the members of the convention, they will be of use to all well disposed Christians; and especially to those of the following descriptions, viz. such as are to heads of families, who may think it their duty to devote the evenings of the Lord's day to the instruction of their own households.

To pious and well disposed persons, remote from places of public worship, or unprovided with ministers, or pastors, who may wish to collect their neighbours and friends, to spend some part of Sunday in public worship, and in reading sermons and books of devotion.

To young clergymen and preachers, who, being ill supplied with books, or a variety of sermons on proper subjects, may be assisted in their earlier compositions by the present work; which is proposed to comprise about four or five volumes, to be published yearly, at the rate of one dollar per volume, on the day next of the same to the subscribers.

WILLIAM SMITH.

On motion of Mr. J. Cox, Resolved unanimously, That the members of this convention be fully persuaded that the interests of religion and practical piety may be greatly promoted by the publication of a body of sermons upon the plan proposed above, and being well satisfied of the authors soundness in the faith, and eminent abilities in such a work, do testify their approbation of the same, and do desire to encourage it by annexing their names thereto as subscribers. [Here the names are subscribed.]

At the convention then took up their report of the committee of the convention the canons, which were read, and engrossed. The said canons were then adopted, and ordered to be signed by the President and Secretary. They are as follow.

shall have satisfied the Bishop and the two Presbyters, by whom he shall be examined, that he is sufficiently acquainted with the New Testament in the original Greek, and can give an account of his faith in the Latin tongue, either in writing or otherwise, as may be required.

Canon 9. Agreeably to the practice of the primitive church, the sacred times of ordination shall be on the Sundays following the Ember week, viz. the second Sunday in Lent, the Feast of Trinity, and the Sundays after the Wednesdays following the fourteenth day of September, and the thirteenth of December.

Canon 10. No person, nor a member of this church, who shall profess to be episcopally ordained, shall be permitted to officiate therein, until he shall have exhibited to the vestry of the church, in which he shall offer to officiate, a certificate signed by the Bishop of the diocese or district, or, where there is no Bishop, by three Clergymen of the standing committee of the Convention of that state, that his letters of orders are authentic, and given by some Bishop whose authority is acknowledged, and given by and also satisfactory evidence of his moral character.

Signed by Order of the Convention,
WILLIAM WHITE, Bishop of the Protestant Episcopal Church in the Commonwealth of Pennsylvania, and President of the Convention of Clergymen, Hopkinson, Secy.

Mr. Andrews moved the following resolve:
Whereas it appears that sundry other canons are necessary for the good government of the church,

Resolved, That the Right Rev. Dr. White, the Rev. Dr. Smith, Rev. D. Magaw, Rev. Mr. Smith, Mr. Hopkinson, Dr. Clark, son, and Mr. T. Coxe, be a committee, to prepare and report to the next meeting of this Convention, such additional canons, as they shall deem necessary.

Which was agreed to.
The Convention took into consideration the two articles of the constitution which had been postponed, and which they amended and agreed to.

Ordered, That the constitution be engrossed, for signing.
The engrossed address to the President of the United States was read, and signed by the Convention.

Ordered, That the Right Reverend Dr. Provost, the Rev. Mr. Smith, Mr. Andrews, Mr. John Cox, Mr. Brisbane, the Rev. Dr. Beach, the Rev. Dr. Moore, Mr. Rogers, the Rev. Mr. Ogden, Rev. Mr. Spieren, the Rev. Mr. Waddel, and the Hon. Mr. Duane, with such other gentlemen as have been deputed, be a committee, to prepare and report to the next meeting of this Convention, which may be in New York, be requested to present the same to the President of the United States.
Resolved, That the said address, with the answer that may be received thereto, be printed in the Journals of the adjourned meeting of this Convention.

Adjourned to nine o'clock to-morrow morning.
The Convention met.
The Rev. Mr. Bisset read prayers.

The engrossed constitution of the Protestant Episcopal Church was then read, and signed by the Convention, and is as follows:

General Constitution of the Protestant Episcopal Church in the United States of America.

ARTICLE. THERE shall be a General Convention of the Protestant Episcopal Church in the United States of America on the first Tuesday of August, in the year of our Lord 1792, and on the first Tuesday of August in every third year afterwards, in such place as shall be determined by the Convention; and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the states, shall have adopted this constitution, shall be represented, before they shall proceed to business, except that the representation from two states shall be sufficient to adjourn; and in all business of the Convention, freedom of debate shall be allowed.

ART. 2. The Church in each state shall be entitled to a representation of both the Clergy and the Laity, which representation shall consist of one or more deputies, not exceeding four of each order, chosen by the Convention of the state; and in all questions, when required by the clerical or lay representation from any state, such order shall have one vote; and the majority of suffrages by each order shall be conclusive in each order, provided such majority comprehend a majority of the states represented in that order. The concurrence of both orders shall be necessary to constitute a vote of the Convention. If the Convention of any state should neglect or decline to appoint clerical deputies, or if they should neglect or decline to appoint lay deputies, or if any of those of either order appointed should neglect to attend, or be prevented by sickness or any other accident, such state shall nevertheless be considered as duly represented by such deputy or deputies who may attend, whether lay or clerical. And if through the neglect of the Convention of any of the churches which shall have adopted, or may hereafter adopt this constitution, no deputies of either lay or clerical order should attend at any general convention, the church in such state shall nevertheless be bound by the acts of such Convention.

ART. 3. The Bishops of this church, when there shall be three or more, shall, whenever general conventions are held, form a house of revision; and when any proposed act shall have passed the general convention, the same shall be transmitted to the house of revision for their concurrence. And if the same shall be sent back to the Convention, with the negative or non-concur-

name and words " Rt. Jenner, Notary Public," thereto subscribed, were and are of the proper hand writing and subscription of the said Robert Jenner, and that we saw him sign the same, and that full faith and entire credit is and ought to be given to all the acts, subscriptions and attestations of the said Robert Jenner, as well in judgment as out. In testimony whereof we have hereunto subscribed our names, to serve and avail as occasion may require at Doctor's Commons, London, this fifth day of February, in the year of our Lord one thousand seven hundred and eighty-seven. Which we attest.

EDWARD COOPER, Notary Public.
WILLIAM ABBOT, Notary Public.

(Copy.)

NOTE.—The letter of consecration of the Right Rev. Dr. Provoost will be annexed to the next Journal of the General Convention.

JOURNAL

OF THE PROCEEDINGS

OF THE

BISHOPS, CLERGY AND LAITY,

OF THE

PROTESTANT EPISCOPAL CHURCH,

IN THE

UNITED STATES OF AMERICA,

IN A

CONVENTION,

HELD IN

The City of Philadelphia, from Tuesday, September 29th, to
Friday, October 16th, 1789.

JOURNAL, &c.

CHRIST CHURCH, Tuesday, September 29th, 1789.

THE Right Rev. Dr. White, the Rev. Dr. William Smith, the Rev. Dr. Robert Smith, the Rev. Mr. Bend, Robert Andrews, esquire, and Dr. Gerardus Clarkson met at Christ Church; but, not being a sufficient number to proceed to business, Adjourned until ten o'clock to-morrow morning.

CHRIST CHURCH, Wednesday, September 30th, 1789.

The Convention met.

The Right Rev. Dr. White presided, ex officio.

The Rev. Mr. Bracken read prayers.

The Rev. Mr. Bracken, clerical deputy from the church in Virginia, produced* testimonials of his appointment, which being read, and approved, he took his seat.

The Right Rev. Dr. Samuel Seabury, Bishop of the Protestant Episcopal Church in Connecticut, attended, to confer with the Convention, agreeably to the invitation given him, in consequence of a resolve passed at their late session: and the Rev. Dr. Samuel Parker, deputy from the churches in Massachusetts and New Hampshire, and the Rev. Mr. Bela Hubbard, and the Rev. Mr. Abraham Jarvis, deputies from the church in Connecticut, produced testimonials of their appointment to confer with the Convention, in consequence of a similar invitation.

These testimonials were read and deemed satisfactory.

The Right Rev. Dr. Seabury produced his letters of consecration to the holy office of a Bishop in this church, which were read, and ordered to be recorded. [See the Appendix.]

On motion, Resolved, That the Secretary, the Hon. Francis Hopkinson, esquire, be permitted and requested to appoint an Assistant Secretary, who is not a member of this Convention.

Resolved, That this Convention will, to-morrow, go into a committee of the whole, on the subject of the proposed union with the churches in the states of New Hampshire, Massachusetts and Connecticut, as now represented in Convention.

Resolved further, That the hours of business in Convention shall be, from nine o'clock in the morning until three in the afternoon. Adjourned.

CHRIST CHURCH, Thursday, October 1st, 1789.

The Convention met.

The Rev. Mr. Rowe read prayers.

* This being an adjourned Convention, testimonials were only required from new members.

PREFACE.

AT a Convention of the Protestant Episcopal Church in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina, held in Christ Church, in the city of Philadelphia, from July 28th to August 8th, 1789; upon the consideration of certain communications from the Bishop and Clergy of the church in Connecticut, and from the Clergy in the churches of Massachusetts and New Hampshire, it was resolved to adjourn to the 29th day of September following, in order to meet the said churches, for the purpose of settling articles of union, discipline, uniformity of worship, and general government, among all the churches in the United States.

The following is a Journal of the Proceedings of both Houses, (viz. of Bishops, and of Clerical and Lay Deputies) in the said adjourned Convention.

President of the college of Philadelphia) was duly chosen, and seated in the chair accordingly.

Resolved, That seats be provided on the right hand of the chair, for the accommodation of the Bishops, when they shall choose to be present at the proceedings and debates of this House.

[C] Here ends the Journal of the proceedings of the Convention, as consisting of a Single House. The Journals of the two Houses will now follow, separately; to which will be prefixed the General Ecclesiastical Constitution, as subscribed and entered on the Book of Records, which will answer the intention, as well of exhibiting a list of the Members of both Houses in Convention, as of defining their separate rights and powers.

The Constitution of the Protestant Episcopal Church in the United States of America.

Art. 1. THERE shall be a General Convention of the Protestant Episcopal Church in the United States of America, on the second Tuesday of September, in the year of our Lord 1792, and on the second Tuesday of September in every third year afterwards, in such place as shall be determined by the Convention; and special meetings may be called at other times, in the manner hereafter to be provided for; and this church, in a majority of the states which shall have adopted this constitution, shall be represented, before they shall proceed to business; except that the representation from two states shall be sufficient to adjourn; and in all business of the Convention, freedom of debate shall be allowed.

Art. 2. The church in each state shall be entitled to a representation of both the Clergy and the Laity, which representation shall consist of one or more deputies, not exceeding four of each order, chosen by the Convention of the state; and, in all questions, when required by the Clerical or Lay representation from any state, each order shall have one vote; and the majority of such majority by states shall be conclusive in each order, provided that order: The concurrence of both orders shall be necessary to constitute a vote of the Convention. If the Convention of any state should neglect or decline to appoint clerical deputies, or if they should neglect or decline to appoint lay deputies, or if any of those of either order appointed should neglect to attend, or be prevented by sickness or any other accident, such state shall, nevertheless, be considered as duly represented by such deputy or deputies as may attend, whether lay or clerical. And if, through the neglect of the Convention of any of the churches which shall have adopted, or may hereafter adopt, this constitution, no deputies, either lay or clerical, should attend at any General Convention, the church in such state shall nevertheless be bound by the terms of such Convention.

Art. 3. The Bishops of this church, when there shall be three or more, shall, whenever General Conventions are held, form a

bet, *ex officio*, and shall vote with the clerical deputies of the state to which he belongs; and a Bishop shall then *preside*.

On motion *Resolved*, That it be made known to the several State Conventions, that it is proposed to consider and determine in the next General Convention, on the propriety of investing the House of Bishops with a full negative upon the proceedings of the other House.

Ordered, That the general constitution of this church, as now altered and amended, be laid before the Right Rev. Dr. Seabury, and the deputies from the churches in the eastern states, for their approbation and assent.

After a short time, they delivered the following testimony of their assent to the same, viz:

October 2d, 1789.

WE do hereby agree to the Constitution of the church, as modified this day in Convention.

Samuel Seabury, D. D. Bishop of the Episcopal Church in Connecticut.

Abraham Jarvis, A. M. Rector of Christ Church, Middletown, Connecticut.

Bela Hubbard, A. M. Rector of Trinity Church, New Haven, Connecticut.

Samuel Parker, D. D. Rector of Trinity Church, Boston, and Clerical Deputy for Massachusetts and New Hampshire.

After subscribing as above, the Right Rev. Bishop Seabury and the clerical deputies aforesaid, took their seats, as members of the Convention.

On motion, the Rev. Dr. Parker and Rev. Mr. Jarvis, were added to the committee for revising the canons. Adjourned.

STATE HOUSE, Saturday, October 3d, 1789.

The Convention met.

The Rev. Mr. Ogden read prayers.

Mr. Charles Goldsborough produced the credentials of his appointment as a lay deputy from the church in Maryland, and took his seat accordingly.

The Right Rev. Bishop White informed the Convention, that he had received certain letters from the Right Rev. Bishop Provest, with a request that they may be communicated to the Convention; which were read accordingly.

On motion, *Resolved*, That, agreeably to the constitution of the church, as altered and confirmed, there is now in this Convention a separate House of Bishops.

The Bishops now withdrawing, the President's chair was declared vacant; whereupon the House of Clerical and Lay Deputies proceeded to the election of a President by ballot, and the Rev. William Smith, D. D. clerical deputy from Maryland

separate House, with a right to originate and propose acts, to the concurrence of the House of Deputies, composed of Clergy and Laity; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon, unless adhered to by four-fifths of the other House; and all acts of the Convention shall be authenticated by both Houses. And, in all cases, the House of Bishops shall signify to the Convention their approbation or disapprobation (the latter, with their reasons in writing) within three days after the proposed act shall have been reported to them for concurrence; and, in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member, *ex officio*, and shall vote with the clerical deputies of the state to which he belongs; and a Bishop shall then preside.

Art. 4. The Bishop or Bishops in every state shall be chosen agreeably to such rules as shall be fixed by the Convention of that state: And every Bishop of this church shall confine the exercise of his episcopal office to his proper diocese or district, unless requested to ordain or confirm, or perform any other act of the episcopal office, by any church destitute of a Bishop.

Art. 5. A Protestant Episcopal Church in any of the United States, not now represented, may, at any time hereafter, be admitted, on acceding to this constitution.

Art. 6. In every state, the mode of trying clergymen shall be instituted by the Convention of the church therein. At every trial of a Bishop, there shall be one or more of the episcopal order present; and none but a Bishop shall pronounce sentence of deposition or degradation from the ministry on any Clergyman, whether Bishop or Presbyter, or Deacon.

Art. 7. No person shall be admitted to holy orders, until he shall have been examined by the Bishop, and by two Presbyters, and shall have exhibited such testimonials and other requisites as the canons, in that case provided, may direct. Not shall any person be ordained until he shall have subscribed the following declaration: "I do believe the holy scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to salvation: And I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States." No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the canon or canons in that case provided, and have also subscribed the aforesaid declaration.

Art. 8. A book of common prayer, administration of the sacraments, and other rites and ceremonies of the church, articles of religion, and a form and manner of making, ordaining and consecrating Bishops, Priests and Deacons, when established by this or a future General Convention, shall be used in the Protestant

Episcopal Church in those states which shall have adopted this constitution.

Art. 9. This constitution shall be unalterable, unless in General Convention, by the church in a majority of the states, which may have adopted the same: and all alterations shall be first proposed in one General Convention, and made known to the several State Conventions before they shall be finally agreed to, or ratified, in the ensuing General Convention.

Done in General Convention of the Bishops, Clergy and Laity of the Church, the second day of October, 1789, and ordered to be inscribed into the Book of Records, and subscribed, which was done as follows, viz.

In the House of Bishops.

Samuel Seabury, D. D. Bishop of Connecticut.
William White, D. D. Bishop of the Protestant Episcopal Church, Pennsylvania.

In the House of Clerical and Lay Deputies.

William Smith, D. D. President of the House of Clerical and Lay Deputies, and Clerical Deputy from Maryland.

New Hampshire and Massachusetts. Samuel Parker, D. D. Rector of Trinity Church, Boston.
Connecticut. Bela Hubbard, A. M. Rector of Trinity Church, New Haven.

Abraham Jarvis, A. M. Rector of Christ Church, Middletown.
New York. Benjamin Moore, D. D. } Assistant Ministers of Trinity Church, city of New York.
Abraham Beach, D. D. }

Richard Hargisop, Lay Deputy from the state of New York.
New Jersey. Uzal Ogden, Rector of Trinity Church, New

William Frazer, A. M. Rector of St. Michael's Church, New York, and St. Andrew's Church, Amwell.

Samuel Ogden, } Lay Deputies.
Robert Strettel Jones. }
Pennsylvania. Samuel Magaw, D. D. Rector of St. Paul's, Philadelphia.

Robert Blackwell, D. D. Senior Assistant Minister of Christ Church and St. Peter's, Philadelphia.
Joseph G. F. Bend, Assistant Minister of Christ Church and St. Peter's, Philadelphia.

Joseph Plimore, Rector of the United Churches of Trinity, St. Thomas, and All Saints,

Gerardus Clarkson, } Lay Deputies from the state of Penn-
Tench Coxe, } sylvania.
Francis Hopkinson,
Samuel Powell,

Delaware. Joseph Cowden, A. M. Rector of St. Anne's.
Robert Clay, Rector of Emanuel and St. James's Churches.
Maryland. John Bisset, A. M. Rector of Shrewsbury Parish,
Kent county.

John Rumsey, } Lay Deputies.
Charles Goldsborough, }
Virginia. John Bracken, Rector of Bruton parish, Williams-
burg.

Robert Andrews, Lay Deputy.
South Carolina. Robert Smith, D. D. Rector of St. Philip's
Church, Charleston.

William Smith, } Lay Deputies from the State of South
William Brisbane. } Carolina.

[Sundry other members attended this Convention at different times of sitting, but were absent on the day of signing the Constitution. See the names occasionally entered on the Journal.

JOURNAL

OF THE

HOUSE OF CLERICAL AND LAY DEPUTIES.

STATE HOUSE, *Saturday, October 3d, 1789.*

THE Bishops having withdrawn, and a President being chosen as aforesaid, the House of Clerical and Lay Deputies proceeded to business, as follows, *viz.*

The committee on the canons being called upon, reported progress, and had leave to sit again.

Resolved, That a committee be appointed to prepare a calendar and tables of lessons for morning and evening prayer, throughout the year; also collects, epistles and gospels;—and Rev. Dr. Parker, Rev. Dr. Moore, Rev. Mr. Bend, Dr. Clarkson and Rev. Mr. Jarvis were chosen for this purpose.

Resolved, That a committee be appointed to prepare a morning and evening service for the use of the church.—The Rev. Mr. Hubbard, Rev. Dr. Robert Smith, Rev. Dr. Blackwell, Mr. Rumsey and Mr. Andrews were chosen.

Resolved, That a committee be appointed to prepare a Litany, with occasional prayers and thanksgivings; and Rev. Dr. Beach, Rev. Mr. Bracken, Rev. Mr. Bisset, Mr. Hopkinson and Mr. Goldsborough were chosen.

Resolved, That a committee be appointed, to prepare an order for the administration of the Holy Communion;—and Rev. Mr. Kings, Rev. Mr. Ogden, Col. Ogden, Rev. Mr. Frazer and Mr. Sykes were appointed.
Adjourned to Monday morning.

STATE HOUSE, *Monday, October 5th, 1789.*

The House met.

The Rev. Mr. Bisset read prayers.

William Smith, Esq. from South Carolina, took his seat in the House.

The standing committee, appointed at the former session of this Convention, made report, as follows:—“That they had forwarded the address to the most Reverend the Archbishops of Canterbury and York; and that they prepared and forwarded answers to the Reverend Dr. Parker, and the clergy of Massachusetts and New Hampshire; that they answered, as far as was necessary, the letters of the Right Reverend Bishop Seabury; that they notified to the church in the several states, not included in this union, the time and place to which the Convention had adjourned, and requested their sending deputies to the same, for the good purposes of union and General Government; and that they inclosed, in each of the communications mentioned in this report, a copy of the minutes and proceedings of this Convention at their last session.

The Rev. Mr. Bisset and the Rev. Mr. Bend were appointed to assist the Secretary in preparing the minutes for the press.

The committee on the morning and evening service reported a morning service, which was read, and afterwards considered by paragraphs.
Adjourned.

STATE HOUSE, *Tuesday, October 6th, 1789.*

The House met.

The Rev. Mr. Bend read prayers.

The committee on the litany, &c. reported a litany, which was read, and ordered to lie on the table.

Resolved, That a committee be appointed, to report in what manner the Psalms should be used; whereupon the following members were elected, by ballot, for that service: Mr. Andrews, Mr. Hopkinson, Rev. Dr. Moore, Rev. Dr. Parker, and Rev. Dr. Robert Smith.

The Convention then resumed the consideration of the report on the morning service, and having made farther progress therein, Adjourned to Thursday morning.

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 Book of Common Prayer

Certificate

I certify that this edition of The Book of Common Prayer has been compared with a certified copy of the Standard Book, as the Canon directs, and that it conforms thereto.

Charles Mortimer Guilbert
Custodian of the Standard Book of Common Prayer
September, 1979

The Ordination of a Bishop

Hymns, psalms, and antiphems may be sung during the entrance of the bishops and other ministers.

The people standing, the Bishop appointed says

Blessed be God: Father, Son, and Holy Spirit.
People And blessed be his kingdom, now and for ever.
Amen.

In place of the above, from Easter Day through the Day of Pentecost

Bishop Alleluia. Christ is risen.
People The Lord is risen indeed. Alleluia.

In Lent and on other penitential occasions

Bishop Bless the Lord who forgives all our sins.
People His mercy endures for ever.

The Bishop then says

Almighty God, to you all hearts are open, all desires known, and from you no secrets are hid: Cleanse the thoughts of our hearts by the inspiration of your Holy Spirit, that we may perfectly love you, and worthily magnify your holy Name; through Christ our Lord. Amen.

The Presentation

The bishops and people sit. Representatives of the diocese, both Priests and Lay Persons, standing before the Presiding Bishop, present the bishop-elect, saying

N., Bishop in the Church of God, the clergy and people of the Diocese of N., trusting in the guidance of the Holy Spirit, have chosen N.N. to be a bishop and chief pastor. We the ask you to lay your hands upon *him* and in the power of the Holy Spirit to consecrate *him* a bishop in the one, holy, catholic, and apostolic Church.

The Presiding Bishop then directs that testimonials of the election be read.

When the reading of the testimonials is ended, the Presiding Bishop requires the following promise from the Bishop-elect

In the Name of the Father, and of the Son, and of the Holy Spirit, I, N.N., chosen Bishop of the Church in N., solemnly declare that I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the doctrine, discipline, and worship of The Episcopal Church.

The Bishop-elect then signs the above Declaration in the sight of all present. The witnesses add their signatures.

All stand.

The Presiding Bishop then says the following, or similar words, and asks the response of the people

The Reader first says...

A Reading (Lesson) from _____.

A citation giving chapter and verse may be added.

After each Reading, the Reader may say

The Word of the Lord.

People Thanks be to God.

or the Reader may say Here ends the Reading (Epistle).

Silence may follow.

A Psalm, canticle, or hymn follows each Reading.

Then, all standing, a Deacon or a Priest reads the Gospel, first saying

The Holy Gospel of our Lord Jesus Christ

according to _____.

People Glory to you, Lord Christ.

John 20:19-23, or John 17:1-9, 18-21, or Luke 24:44-49a

After the Gospel, the Reader says

The Gospel of the Lord.

People Praise to you, Lord Christ.

The Sermon

After the Sermon, the Congregation sings a hymn.

The Examination

All now sit, except the bishop-elect, who stands facing the bishops. The Presiding Bishop addresses the bishop-elect

My brother, the people have chosen you and have affirmed their trust in you by acclaiming your election. A bishop in God's holy Church is called to be one with the apostles in proclaiming Christ's resurrection and interpreting the Gospel and to testify to Christ's sovereignty as Lord of lords and King of kings.

You are called to guard the faith, unity, and discipline of the Church; to celebrate and to provide for the administration of the sacraments of the New Covenant; to ordain priests and deacons and to join in ordaining bishops; and to be in all things a faithful pastor and wholesome example for the entire flock of Christ.

With your fellow bishops you will share in the leadership of the Church throughout the world. Your heritage is the faith of patriarchs, prophets, apostles, and martyrs, and those of every generation who have looked to God in hope. Your joy will be to follow him who came, not to be served, but to serve, and to give his life a ransom for many.

Are you persuaded that God has called you to the office of bishop?

Answer I am so persuaded.

The following questions are then addressed to the bishop-elect by one or more of the other bishops

The Presentation

The bishop and people sit. A Priest and a Lay Person, and additional presenters if desired, standing before the bishop, present the ordinand, saying

N., Bishop in the Church of God, on behalf of the clergy and people of the Diocese of N., we present to you N.N. to be ordained a priest in Christ's holy catholic Church.

Bishop

Has he been selected in accordance with the canons of this Church? And do you believe *his* manner of life to be suitable to the exercise of this ministry?

Presenters

We certify to you that *he* has satisfied the requirements of the canons, and we believe *him* to be qualified for this order.

The Bishop says to the ordinand

Will you be loyal to the doctrine, discipline, and worship of Christ as this Church has received them? And will you, in accordance with the canons of this Church, obey your bishop and other ministers who may have authority over you and your work?

Answer

I am willing and ready to do so; and I solemnly declare that I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the doctrine, discipline, and worship of The Episcopal Church.

The Ordinand then signs the above Declaration in the sight of all present.

All stand. The Bishop says to the people

Dear friends in Christ, you know the importance of this ministry, and the weight of your responsibility in presenting N.N. for ordination to the sacred priesthood. Therefore if any of you know any impediment or crime because of which we should not proceed, come forward now, and make it known.

If no objection is made, the Bishop continues

Is it your will that N. be ordained a priest?

The People respond in these or other words

It is.

Bishop

Will you uphold *him* in this ministry?

The People respond in these or other words

We will.

The Bishop then calls the people to prayer with these or similar words

In peace let us pray to the Lord.

All kneel, and the Person appointed leads the Litany for Ordinations, or some other approved litany. At the end of the litany, after the Kyries, the Bishop stands and reads the Collect for the Day, or the following Collect, or both, first saying

The Lord be with you.
And also with you.
People

The Presentation

The bishop and people sit. A Priest and a Lay Person, and additional presenters if desired, standing before the bishop, present the ordinand, saying

N., Bishop in the Church of God, on behalf of the clergy and people of the Diocese of N., we present to you N.N. to be ordained a deacon in Christ's holy catholic Church.

Bishop

Has he been selected in accordance with the canons of this Church? And do you believe *his* manner of life to be suitable to the exercise of this ministry?

Presenters

We certify to you that *he* has satisfied the requirements of the canons, and we believe *him* qualified for this order.

The Bishop says to the ordinand

Will you be loyal to the doctrine, discipline, and worship of Christ as this Church has received them? And will you, in accordance with the canons of this Church, obey your bishop and other ministers who may have authority over you and your work?

Answer

I am willing and ready to do so; and I solemnly declare that I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the doctrine, discipline, and worship of The Episcopal Church.

The Ordinand then signs the above Declaration in the sight of all present.

All stand. The Bishop says to the people

Dear friends in Christ, you know the importance of this ministry, and the weight of your responsibility in presenting N.N. for ordination to the sacred order of deacons. Therefore if any of you know any impediment or crime because of which we should not proceed, come forward now and make it known.

If no objection is made, the Bishop continues

Is it your will that N. be ordained a deacon?

The People respond in these or other words

It is.

Bishop

Will you uphold *him* in this ministry?

The People respond in these or other words

We will.

The Bishop then calls the people to prayer with these or similar words

In peace let us pray to the Lord.

All kneel, and the Person appointed leads the Litany for Ordinations, or some other approved litany. At the end of the litany, after the Kyries, the Bishop stands and reads the Collect for the Day, or the following Collect, or both, first saying

The Lord be with you.

People And also with you.

JOURNAL OF THE GENERAL CONVENTION

of the Protestant Episcopal Church
in the United States of America
-otherwise known as

the episcopal church

*Held in Denver, Colorado, from September Ninth to Twentieth,
inclusive, in the Year of Our Lord 1979*

1979

The Bishop of the Rio Grande moved to table the resolution.

The motion was seconded by the Bishop Suffragan of New Jersey.

Motion to table failed

After discussion, the Bishop of Olympia moved the previous question.

The motion was seconded by the Bishop of Colorado.

Motion carried

The motion to adopt Section (f) in the last *Whereas* carried. The motion to adopt Section (e) of the first Resolve carried.

Resolution adopted
HB Message #71

The Bishop of Kentucky, Chairman of the Committee on Ecumenical Relations, moved the adoption of Resolution A-44, as amended:

Whereas, the Church is reminded in all parts of Holy Scripture of those spiritual ties which link the community of the New Testament to the seed of Abraham and is exhorted by St. Paul to recall that she is nourished by root and sap of that good and consecrated olive tree onto which the wild olive branch of the Gentiles have been grafted (*Romans 11:17-24*); and

Whereas, the Church cannot forget that she has received the revelation of the Old Testament from that people with whom God, in His infinite goodness and mercy, established and nourished those ancient covenants; and that St. Paul bears witness that the Jews remain precious to God for the sake of the patriarchs, since God does not withdraw the gifts He has bestowed or revoke the choices He has made (*Romans 11:28-29*); and

Whereas, our Lord Jesus Christ was born, circumcised, dedicated and baptised into the community of Israel to whom belong the sonship, the glory, the covenants, the giving of the Torah, the worship and the patriarchs (Romans 9:4-5); and the first apostles and witnesses themselves were all of Jewish lineage; and

Whereas, all the faithful in Christ consider themselves to be the offspring of Abraham (*Galatians 3:7*) and included in his call, being also the inheritors of that redemption figured in the Exodus of God's chosen people from bondage to Pharaoh; and

Whereas, Christian and Jew share the common hope for that day in which our God will be King over the whole earth (*Zachariah 14:9*) and, receiving the kingdom, will be "all in all" (*I Corinthians 15:28*) and are thus bound by that hope to a common divine service; and

Whereas, a denial of or an ignorance of their spiritual roots by Christians more often than not, provided fertile ground for the festering of anti-Semitism even among leaders of the Church of Jesus Christ, the Holocaust in Hitler Germany being only the most recent and painful memory; therefore be it

Resolved, the House of Deputies concurring, That this 66th General Convention of the Episcopal Church call anew upon the leadership of the Episcopal Church, both clergy and lay, to deepen their commitment to Episcopal-Jewish dialogue and to interfaith cooperation in local communities; and, wherever appropriate, to seek exposure to ancient and contemporary Jewish scholarship so as to better comprehend the Scriptures on which, and the religious environment in which our Lord Jesus Christ was nourished; and to appreciate more fully the religious worship and experience of our neighbors in the Jewish community; and be it further

Resolved, the House of Deputies concurring, That to the end of encouraging and furthering mutual understanding between Episcopalians and Jews by way of biblical and theological enquiry and through friendly discussion, the Presiding Bishop's Advisory Committee on Episcopal-Jewish Relations initiate a study on the methodology for and substantive issues of Episcopal-Jewish dialogue in the next triennium; and be it further

Resolved, the House of Deputies concurring, That the report of the said Presiding Bishop's Advisory Committee on Episcopal-Jewish Relations, together with recommendations for implementation of the Dialogue, be made to the 67th General Convention of the Episcopal Church.

The motion was seconded by the Bishop of Ohio.

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of Resolution D-24, as amended:

Resolution adopted
HB Message #72

Whereas, the Episcopal Church is an hierarchical church, in which local parish churches are a part of, and are subject to, the Constitution and Canons of the Episcopal Church and of the Diocese in which they are geographically present; and

Whereas, the Episcopal Church recognizes that local parishes have broad autonomy in the use of their property, so long as they act within the confines of the Constitution and Canons of the Episcopal Church and of the Diocese in which they are geographically present; therefore be it

Resolved, the House of Deputies concurring, That Title I, Canon 6 of the Canons of the Episcopal Church, be amended to add a Section 4 as follows:

Sec. 4. All real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation otherwise existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.

And be it further

Resolved, the House of Deputies concurring, That Title I, Canon 6 be amended to add a Section 5 as follows:

Sec. 5. The several Dioceses may, at their election, further confirm the trust declared under the foregoing Section 4 by appropriate action, but no such action shall be necessary for the existence and validity of the trust.

The motion was seconded by the Bishop of Vermont.

The Bishop of Kentucky moved that the Resolution be amended to make the Resolution effective upon enactment.

The motion was seconded by the Bishop of Arizona.

Motion to amend carried
Resolution adopted
HB Message #76

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of the following Resolution, Report #13 (D-24):

Amend Title II, Canon 7 by adding a new Section 3, reading as follows:

Sec. 3. Any dedicated and consecrated Church or Chapel shall be subject to the trust declared with respect to real and personal property held by any Parish, Mission, or Congregation, as set forth in Section 4 of Title I, Canon 6.

The motion was seconded by the Bishop of Southern Virginia.

Resolution adopted
HB Message #75

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of Resolution D-32 (Courts of Review):

Whereas, the decisions of two Provincial Courts of Review suggest the need for a uniform system of review and the desirability of considering the following questions regarding the suspension, removal and deposition of Bishops, Presbyters and Deacons:

(1) The advisability of substituting for the several Provincial Courts of Review a single national Court of Review, similar to the Court of Review of the trial of a Bishop, which would hear appeals by Presbyters and Deacons from trials by the Ecclesiastical Courts of the Dioceses;

(2) The advisability of instituting procedures whereby a Presbyter or Deacon, voluntarily or involuntarily suspended, removed, or deposed by the Ecclesiastical Authority without a trial, could receive a review of his sentence or the action taken on his application for remission of such sentence;

(3) The advisability of providing Bishops, Presbyters and Deacons the necessary charges and expenses of their appeals and reviews in ways that are comparable to the current provisions for the charges and expenses of Courts of Review and Church Advocates; be it therefore

Resolved, the House of Deputies concurring, That the Joint Commission Constitution and Canons be directed to study the advisability of (a) amend those portions of Title IV pertaining to the conduct of trials by the several Ecclesiastical Courts; (b) a national Court of Review to hear appeals from Presbyters and Deacons from trials by Ecclesiastical Courts of the Dioceses; (c) some uniform system of review (if requested) of the sentences of Presbyters and Deacons and the action taken on application for remission of such sentences by Ecclesiastical Authorities where there were no trials; and (d) some means of providing Bishops, Presbyters and Deacons with the necessary charges and expenses of their appeals and reviews; and be it further

Resolved, the House of Deputies concurring, That the said Joint Commission

complete its report and make its recommendations to the 67th General Convention.

The motion was seconded by the Bishop of New Jersey.

Resolution adopted
HB Message #73

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of Resolution A-9.

Resolved, the House of Deputies concurring, That Title III, Canon 25, Sec. 4 be amended as follows:

Sec. 4. In all matters relating to the conduct of the service, to the sermons or homilies to be read, and to proper dress or attire, the Lay Reader shall conform to the directions of the member of the clergy in charge of the Parish, Congregation or Mission in which he is serving, and, in all cases, to the direction of the Bishop.

He shall read only the offices or parts thereof as provided for in the Book of Common Prayer. He shall not deliver sermons or addresses of his own composition, unless, after instruction and examination, he be specifically licensed thereto by the Bishop.

The motion was seconded by the Bishop Coadjutor of Arizona.

Resolution adopted
HB Message #74

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of Resolution A-8, as amended:

Resolved, the House of Deputies concurring, That Title II, Canon 3, Sec. 1 be amended to read as follows:

Sec. 1. The copy of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the ~~Protestant~~ Episcopal Church, ~~in the United States of America,~~ 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, and an office of institution of Ministers and *historical documents of the Church, including* the Articles of Religion, accepted by the General Convention of this Church, in the year of our Lord 1928, 1979, and authenticated by the signatures of the Presiding Officers and Secretaries of the two Houses of the General Convention, is hereby declared to be the Standard Book of Common Prayer of this Church.

The motion was seconded by the Bishop of Nebraska.

Resolution adopted
HB Message #77

The Bishop of Mississippi, Chairman of the Committee on Canons, moved the adoption of Resolution D-101, as amended:

STRUCTURE—Transfer of the Diocese of Missouri**House of Deputies**

On the eighth day, the Committee on Structure presented its Report #19 on Resolution B-57, and recommended adoption without amendment:

Whereas, the 138th Convention of the Diocese of Missouri has indicated its desire to be transferred from Province VII to Province V; and

Whereas, the Synods of the aforesaid Provinces have now given their approval to this transfer; therefore be it

Resolved, That the Diocese present the following Resolution to the Secretary of the General Convention for its action, to wit:

Whereas, the Convention of the Diocese of Missouri meeting at Christ Church Cathedral, St. Louis, on January 26 and 27, 1978, expressed a desire to be transferred from Province VII to Province V; and

Whereas, the Synod of Province VII, meeting in Dallas, Texas, on December 1, 1977, has agreed to said transfer; and

Whereas, the Synod of Province V, meeting in Chicago on April 14, 1978, has also agreed to said transfer; be it therefore

Resolved, the House of Bishops concurring, That the General Convention approve the said transfer; and be it further

Resolved, the House of Bishops concurring, That Title I, Canon 8, Sec. 1 be amended so that the 6th paragraph thereof reads as follows:

The Fifth Province shall consist of *the Diocese of Missouri and* of the Dioceses within the States of Ohio, Indiana, Illinois, Michigan and Wisconsin;

and be it further

Resolved, the House of Bishops concurring, That Title I, Canon 8, Sec. 1 be amended so that the 8th paragraph thereof reads as follows:

The Seventh Province shall consist of *the Diocese of West Missouri, and* of the Dioceses within the States of Arkansas, Texas, Kansas, Oklahoma, and New Mexico.

Resolution adopted

[Communicated to the House of Bishops in HD Message No. 123]

House of Bishops

On the ninth day, HD Message No. 123 on Resolution B-57 (Transfer of the Diocese of Missouri to Province V) was received.

The House concurred

[Communicated to the House of Deputies in HB Message No. 175]

STRUCTURE—Dioceses seeking autonomy**House of Deputies**

On the tenth day, the Committee on Structure presented its Report #36 on Resolution D-68, and recommended adoption of the Resolution with amendment as follows:

Whereas, one of the functions of the Anglican Consultative Council is to advise on inter-Anglican, Provincial and Diocesan relationships, including the division of Provinces and of Regional Councils, and the problems of extra-provincial Dioceses; and

CONCURRENT ACTIONS

Whereas, it is the recommendation of the Standing Commission on Structure that the General Convention abide by the charter of the Anglican Consultative Council which the General Convention adopted at Houston in 1970; and

Whereas, the fourth meeting of the Anglican Consultative Council held at Huron College, London, Ontario in May 1979, considered the subject of Dioceses seeking autonomy and reviewed a Resolution of the Executive Council of the Episcopal Church, USA, dated April 19, 1979, on this subject and affirmed the minimum criteria for autonomy as stated in that Executive Council action; and

Whereas, the present Canon of the Episcopal Church—Title I, Canon 10., Sec. 3 (e)—dealing with the subject of autonomy of extra-provincial Dioceses is not in accord with the Anglican Consultative Council on this matter; be it therefore

Resolved, the House of Bishops concurring, That Title I, Canon 10, Sec. 3(e) be amended to read as follows:

3(e). At the request of the Convention of a Missionary Diocese, supported by the presentation of relevant facts and a reasonable plan, the General Convention may by joint Resolution (1) permit the Diocese seeking autonomy to unite with another Province, or Regional Council having metropolitanical authority, of the Anglican Communion, or (2) permit the Diocese seeking autonomy, but not planning to unite with another Province or Regional Council, to unite with no less than three other viable Dioceses at the same time which are geographically contiguous, or so located geographically as to be considered of the same region, for the purpose of establishing a new Province, or new Regional Council having metropolitanical authority, of the Anglican Communion.

Resolution adopted

[Communicated to the House of Bishops in HD Message No. 173]

House of Bishops

On the tenth day, HD Message No. 173 on Resolution D-68 (Canonical provisions regarding Dioceses seeking autonomy: "Section 3" was added; no change in substance.) was received.

The House concurred

[Communicated to the House of Deputies in HB Message No. 226]

STRUCTURE—General Convention Executive Officer

House of Deputies

On the fourth day, the Committee on Structure presented its Report #2 on Resolution A-88, and moved adoption of the Resolution with amendment as follows:

Resolved, the House of Bishops concurring, That Title I, Canon 1, Section 13 be amended as follows:

Sec. 13. There shall be an Executive Office of the General Convention, to be headed by a General Convention Executive ~~Secretary~~ *Officer* to be appointed jointly by the Presiding Bishop and the President of the House of Deputies. The Executive Office of the General Convention shall include the functions of the Secretary and the Treasurer of the General Convention and those of the Manager of the General Convention, and, if the several

Resolution B-104, and requested to be discharged from further consideration since the subject matter had already been dealt with by the House.

Committee discharged

The Joint Standing Committee on Program, Budget, and Finance presented its Report #3 on the General Church Program Budget, and requested to be discharged from the Resolutions referred to in the Report since the Committee recommendations were included in the Committee's report.

Committee discharged

The Joint Standing Committee on Program, Budget, and Finance presented its Report #4 on the General Church Program Budget, and requested to be discharged from the Resolutions referred to in the Report since the subjects were included in the Committee's report previously made.

Committee discharged

The Joint Standing Committee on Program, Budget, and Finance presented its Report #7 on Resolutions C-23 and B-138 (Funding of Black Colleges), and requested to be discharged from further consideration since the Committee recommendations were contained in the Committee's report.

Committee discharged

The Joint Standing Committee on Program, Budget, and Finance presented its Report #9 on Resolution B-144, and requested to be discharged from further consideration since the Committee's recommendations were contained in the Committee's report.

Committee discharged

The Chairman of Dispatch of Business moved that the House consider one item of the Supplemental Calendar at this time and to suspend the Rules to consider the matter.

Motion carried

Liturgical Officer

The Joint Standing Committee on Program, Budget, and Finance presented Report #14 on Resolutions A-59(S) and A-62, and recommended concurrence with House of Bishops Message #156.

The Committee on Prayer Book and Liturgy supported concurrence.

The House concurred

(See pg. C-160)

Elections

The Secretary announced the results of the ballots taken earlier as follows:
General Theological Seminary Trustees

Three Presbyters or Deacons for a term of six years each:

The Rev. John Crocker

The Rev. Alanson B. Houghton

The Ven. Arthur B. Williams, Jr.

Three Lay persons for a term of six years each:

James Stacey Coles

Charles R. Lawrence

Douglas T. Yates

Clergy Deployment Office Board

Elected for a six-year term:

The Ven. Robert N. Davis
 The Very Rev. Gordon P. Charlton, Jr.
 The Rev. Hays H. Rockwell
 Verna J. Dozier
 George Hodges Soule
 William G. Ikard II

Elected for a three-year term:

The Rev. Henry P. Mitchell
 Margaret D. Fitter

Anglican Consultative Council

On Lay delegate for a term of three successive meetings:

Charles R. Lawrence

One alternate Lay delegate for a term of three successive meetings:

Mrs. Carter C. Chinnis

The Chairman of Dispatch of Business moved that the House return to Item #10 on the tenth legislative day.

The Committee on Education presented its Report #3 on Resolution D-55, and requested to be discharged from further consideration since the matter had already been dealt with by the House.

Committee discharged**Retention of Parish Property**

The Committee on Canons presented its Report #32 on Resolution D-24, and recommended concurrence with House of Bishops Messages #75 and #76.

The House concurred
 (See pg. C-150)

Ministry

The Committee on Ministry presented its Report #4 on Resolution C-26 (Amend Title IV.9.1), as amended, and recommended concurrence with House of Bishops Message #117.

The House concurred
 (See pg. C-26)

Education

The Committee on Education presented its Report #12 on Resolution B-41, and recommended concurrence with House of Bishops Message #138.

Deputy Ramshaw (Central New York) moved a substitute to refer B-41 to the Board for Theological Education. Deputy Bittsberger (Massachusetts) moved an amendment to add the General Board of Examining Chaplains for referral. The amendment was accepted by the mover of the substitute.

The question was called on the Substitute. A division was called with the following result:

Yes - 435

Substitute carried

JOURNAL

OF THE PROCEEDINGS OF

THE BISHOPS, CLERGY, AND LAITY

OF THE

PROTESTANT EPISCOPAL CHURCH

IN THE

UNITED STATES OF AMERICA,

ASSEMBLED IN A GENERAL CONVENTION,

HELD IN THE CITY OF NEW YORK,

From Oct. 17th to Oct. 29th, inclusive,

IN THE YEAR OF OUR LORD

1868.

WITH AN APPENDIX.

HARTFORD:

PRINTED FOR THE CONVENTION.

1869.

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37 ASYLUM STREET, HARTFORD, CT.

House of Bishops it is not expedient to increase the number of the Executive Committees to whose administration the Missions and Charities of the Church are now entrusted.

Attest: HENRY C. POTTER, *Secretary*.

MESSAGE No. 60.

NEW YORK, October 27th, 1868.

The House of Bishops informs the House of Deputies that it has adopted the following Resolution:

Resolved, That this House concurs in the projected alteration of Article 5, of the Constitution proposed to this House in Message No. 16, and that the same be made known to the several Diocesan Conventions in pursuance of Article 9 of the Constitution.

Attest: HENRY C. POTTER, *Secretary*.

MESSAGE No. 61.

NEW YORK, October 27th, 1868.

The House of Bishops informs the House of Deputies that it has adopted the following Resolution:

Resolved, That this House concurs in the adoption of the Canon reported to this House in Message No. 41, from the House of Clerical and Lay Deputies concerning "the Formation of a Federate Council or Councils."

Attest: HENRY C. POTTER, *Secretary*.

MESSAGE No. 62.

NEW YORK, October 28th, 1868.

The House of Bishops informs the House of Deputies that it has not accepted the Report of the Committee of Conference on Message No. 32, from the House of Clerical and Lay Deputies, and therefore does not concur in the proposed Amendment of Article 4th of the Board of Missions.

Attest: HENRY C. POTTER, *Secretary*.

MESSAGE No. 63.

NEW YORK, October 28th, 1868.

The House of Bishops informs the House of Clerical and Deputies that it has adopted the following Resolution:

Resolved, The House of Clerical and Lay Deputies concurring, that the following be and hereby is enacted as Title I., Canon —, to wit:

TITLE I., CANON —.

OF THE CONSECRATION OF CHURCHES.

§ I. No Church or Chapel shall be consecrated until the Bishop shall have been sufficiently satisfied that the building, and ground on which it is erected, have been fully paid for, and are free from lien or other incumbrance.

§ II. It shall not be lawful for any Vestry, Trustees, or other body authorised by law of any State or Territory to hold property for any Diocese, Parish, or Congregation, to encumber or alienate any consecrated Church or Chapel, without the previous consent of the Bishop acting with the advice and consent of the Standing Committee of the Diocese in which such Church or Chapel be situate.

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

Attest: HENRY C. POTTER, *Secretary*.

The Rev. Benjamin I. Haight, D. D., of the Diocese of New York, from the Committee on Canons, made the following Report, and, on motion of the Rev. William Cooper Mead, D. D., of the Diocese of Connecticut, the nominations were confirmed by vote of the House:

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OF THE
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WITH APPENDICES

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sionary District an amount equal to one-quarter of the above described Diocesan levy for each Bishop, Presbyter, and Deacon canonically resident therein. The number of Bishops, Presbyters, and Deacons canonically resident in each Diocese and Missionary District, as reported to the House of Deputies and recorded in the Journal of the General Convention last preceding, shall be the basis upon which such assessment shall be made. The amount of such assessment shall be determined by the Committee on Expenses. A new Diocese not recorded in the last Journal shall furnish to the Treasurer, prior to the first of November, a report of the number of Bishops, Presbyters, and Deacons canonically resident in such Diocese, which shall be the same as in its report to the House of Deputies.

§ VII, of Canon 49, was stricken out, and subsequent §§ VIII to XI inclusive renumber as VII to X, respectively.

Canon 51 was amended to read as follows:

Of Business Methods in Church Affairs

§ I. In every Diocese, Missionary District, Parish, Mission, and Institution, connected with this Church, the following standard business methods shall be observed:

1. Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Federal or State bank, or a Diocesan Corporation, or other agency approved in writing by the Finance Committee or the Department of Finance of the Diocese or Missionary District, under either a deed of trust or an agency agreement.

2. Treasurers and custodians, other than banking institutions, shall be adequately bonded.

3. Such books of account shall be kept as shall make them available for satisfactory accounting.

4. All accounts shall be audited annually by a Certified Public Accountant or by such an accounting agency as shall be approved by the Finance Committee or Department of Finance of the Diocese or Missionary District.

5. Annual reports of all accounts shall be made to the Convention of the Diocese or Convocation of the Missionary District, which reports shall be referred to and reported upon by the Finance Committee or Department of Finance.

6. All buildings and their contents shall be kept adequately insured.

§ II. The several Dioceses and Missionary Districts shall give effect to the foregoing standard business methods by the enactment of Canons appropriate thereto, which Canons shall invariably provide for a Finance Committee or a Department of Finance of the Diocese or Missionary District.

Canon 57 was amended by the addition of a new Section reading as follows:

§ IV. No Vestry, Trustee, or other body, authorized by civil or canon law to hold, manage, or administer real property for any Parish, Mission, Congregation, or Institution, shall encumber or alienate the same or any part thereof (save for the refinancing of an existing loan) without the

written consent of the Bishop and Standing Committee of the Diocese, or the Bishop and Council of Advice of the Missionary District, of which the Parish, Mission, Congregation, or Institution is a part, except under such regulations as may be prescribed by Canon of the Diocese or Missionary District.

Canon 58 was amended to read as follows:

Of The Church Pension Fund

§ I. The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York as subsequently amended, is hereby authorized to administer the clergy pension system of this Church substantially in accordance with the principles adopted by the General Convention of 1913 and approved thereafter by the several Dioceses and Missionary Districts, with the view of providing for the clergy disabled by age or other infirmity and for the widows and minor children of deceased clergymen.

§ II. The General Convention at each triennial meeting shall elect, on the nomination of a Joint Committee thereof, six persons to serve as Trustees of The Church Pension Fund for a term of nine years and until their successors shall have been elected and have qualified, and shall also fill such vacancies as may exist on the Board of Trustees.

§ III. For the purpose of administering the pension system, The Church Pension Fund shall be entitled to receive and to use all net royalties arising from publications authorized by the General Convention, and to levy upon and to collect from all Parishes, Missions, and other ecclesiastical organizations or bodies subject to the authority of this Church, and any other societies, organizations, or bodies in the Church which under the regulations of The Church Pension Fund shall elect to come into the pension system, assessments based upon the salaries and other compensation paid to clergymen by such Parishes, Missions, and other ecclesiastical organizations or bodies for services rendered currently or in the past, prior to their becoming beneficiaries of the Fund.

§ IV. The pension system shall be so administered that no pension shall be allotted before there shall be in the hands of The Church Pension Fund sufficient funds to meet such pension.

§ V. To every clergyman who, at an age which The Church Pension Fund shall ascertain and determine to be the normal age of ordination, shall be ordained in this Church or received into this Church from another Church, and who shall remain in continuous service in the office and work of the Ministry in this Church, and in respect of whom the conditions of this Canon shall have been fulfilled in the payment of assessments on such reasonable basis as The Church Pension Fund may establish under its Rules of administration, The Church Pension Fund shall make a retiring allowance of at least six hundred dollars a year, and shall also make widows' and minor orphans' allowances related thereto. In the case of a clergyman who at the time of his ordination or reception shall be older than such normal age of ordination or in whose behalf assessments shall not have been continuously and fully paid, The Church Pension Fund shall determine his retiring allowance and the allowance to his widow and minor children, upon fulfillment of the other conditions of this Canon, at a rate consistent with proper actuarial practice. The Trustees of The Church Pension Fund are hereby empowered to