

CANONS

OF THE

DIOCESE OF THE NORTHEAST

ANGLICAN CHURCH IN AMERICA

As last amended by the Synod of the Diocese of the Northeast at its Seventeenth Annual Meeting at West Lebanon, New Hampshire, 12 September 2008.

A true copy.

Attest: *Linnea J. Shaver*

Linnea J. Shaver
Secretary, Diocese of the Northeast

This document supersedes the last published revision of the Canons of the Diocese of the Northeast, dated 13 September 2002, DNE File # 091302-1. Amendments duly adopted by the Diocesan Synod since that date and their respective dates of acceptance are:

Canon 8.6: Standing Committee: Attendance	24 September 2004
Canon 14: Board of Examining Chaplains	24 September 2005
Canon 6.6: Temporary Ecclesiastical Authority of a Diocesan Suffragan Bishop	12 September 2008

Table of Contents

CANON 1.	NAME	1
CANON 2.	OBJECTS AND PURPOSES	1
CANON 3.	ACCESSION	1
CANON 4.	TERRITORIAL JURISDICTION	1
CANON 5.	THE DIOCESE AS A CORPORATION	1
5.1	Regulation of Temporal Affairs	1
5.2	Resident Agent	2
5.3	Canons as By-Laws	2
5.4	Directors	2
5.5	Officers	2
5.6	Deviation From By-Laws	2
CANON 6.	THE OFFICE OF BISHOP	3
6.1	Authority, Rights and Duties	3
6.2	Election of a Bishop Ordinary	3
6.3	Election of a Bishop Coadjutor	4
6.4	Election of a Bishop Suffragan	4
6.5	Deans and Deaneries	4
6.6	Temporary Ecclesiastical Authority of a Diocesan Suffragan Bishop	4
CANON 7.	THE OFFICE OF ARCHDEACON	4
7.1	Appointment and Tenure	4
7.2	Authority and Duties	5
CANON 8.	STANDING COMMITTEE	5
8.1	Membership	5
8.2	Meetings	6
8.3	Quorum	6
8.4	Vacancies	6
8.5	General Authority	6
8.6	Attendance	6

CANON 9.	OFFICERS OF THE DIOCESE	7
9.1	Chancellor	7
9.2	Treasurer	8
9.3	Secretary	9
9.4	Historiographer	10
9.5	Deputy Officers	10
9.6	Tenure of Officers	10
CANON 10	SYNOD	10
10.1	Annual Meeting	10
10.2	Special Meetings	11
10.3	Quorum and Voting	11
10.4	Officers	11
10.5	Rules of Procedure	11
10.6	Terms of Office of Diocesan Officials	12
CANON 11.	HOUSE OF CLERGY	12
CANON 12.	HOUSE OF LAITY	12
CANON 13.	ECCLESIASTICAL COURTS	13
13.1	The Diocesan Court of the Ordinary	13
13.2	Marriage Tribunal	14
13.3	Administration	14
13.4	Appeal	14
CANON 14.	BOARD OF EXAMINING CHAPLAINS	14
CANON 15.	PARISHES AND MISSIONS	15
15.1	Designation and Legal Status	15
15.2	Definitions	15
15.3	Parochial Obligations to the Diocese	15
15.4	Obligations of a Mission	16
15.5	Admission to the Diocese	16
15.6	Officers	16
15.7	Meetings	16
15.8	Qualifications for Membership, Voting, and Holding Office	17
15.9	Rectors and Priests in Charge	17
15.10	Officiants at Services	17
CANON 16.	FUNDING OF THE DIOCESE	17
16.1	Fiscal Year	17
16.2	Budget	17
16.3	Diocese to be Supported by Constituent Congregations	18
16.4	Expenditure of Funds	18

CANON 17. PROVINCIAL, NATIONAL, AND INTERNATIONAL SYNODS	18
17.1 Synods	18
17.2 Executive Council	19
CANON 18. ANNUAL REVIEW OF DIOCESAN FINANCIAL ACCOUNTS	19
CANON 19. DISPOSITION OF PROPERTY ON DISSOLUTION	19
CANON 20. AMENDMENTS	19
20.1 Notice	19
20.2 Voting	19
CANON 21. OF THE TEMPORAL AFFAIRS AND POSSESSIONS OF CONGREGATIONS...	20

DEFINITION OF TERMS AND ABBREVIATIONS

Unless the context clearly indicates otherwise, the term "Diocese" shall signify the Diocese of the Northeast of the Anglican Church in America; the term "Bishop" shall signify the Diocesan or Bishop Ordinary of that Diocese; the term "Province" shall signify the Province of which this Diocese is a constituent jurisdiction.

The abbreviation "ACA" stands for the Anglican Church in America.

The abbreviation "DNE" stands for the Diocese of the Northeast

CANONS OF THE DIOCESE OF THE NORTHEAST
ANGLICAN CHURCH IN AMERICA

In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.

CANON 1. **NAME**

The name of this Diocese and See shall be the Diocese of the Northeast of the Anglican Church in America.

CANON 2. **OBJECTS AND PURPOSES**

The objects and purposes of the Diocese of the Northeast shall be to provide for the organization, operation and government of this branch of Christ's body, the Church within the Diocese.

CANON 3. **ACCESSION**

This Diocese accedes to the Constitution and Canons of the Anglican Church in America and of the Province wherein it shall be a constituent jurisdiction, and shall be bound and governed by the provisions thereof.

CANON 4. **TERRITORIAL JURISDICTION**

Unless otherwise provided by the Canons of the Anglican Church in America, the Diocese of the Northeast shall be composed of and exercise its Ecclesiastical Jurisdiction within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York.

CANON 5. **THE DIOCESE AS A CORPORATION**

5.1 **Regulation of Temporal Affairs**

The Diocese, to assist in the regulation of its temporal affairs, shall be organized as a Massachusetts corporation pursuant to the provisions of Chapter 180 of the General Laws of the Commonwealth of Massachusetts as amended. The Diocese shall be registered under the corporate name of "The Diocese of the Northeast of the Anglican Church in America, Inc." The Diocese may also qualify to do business as a foreign corporation in states other than Massachusetts.

5.2 **Resident Agent**

The Bishop Ordinary, with the advice and consent of the Standing Committee, shall appoint one member of the Standing Committee who is a resident of Massachusetts to serve as the Resident Agent of the Corporation. Only a resident of the Commonwealth of Massachusetts may hold this office. In the event that this office becomes vacant for any reason, including the removal of the appointee to a place outside Massachusetts, the office and title shall devolve upon the senior member of the Standing Committee who is a resident of Massachusetts, and that person shall serve, unless disqualified, until regular appointment is made. For this purpose only, seniority is determined by the following order: Chancellor, Secretary, Treasurer, lay members of the Standing Committee in order of length of service, clergy members of the Standing Committee in order of length of service.

5.3 **Canons as By-Laws**

The Canons of the Diocese, as amended, shall serve as the By-Laws of the Corporation in the conduct of its temporal affairs insofar as the same are not inconsistent with the requirements of the Massachusetts General Laws.

5.4 **Directors**

The voting members of the Standing Committee shall be the Directors of the Corporation.

5.5 **Officers**

- a. The Bishop Ordinary shall be the President of the Corporation.
- b. The President of the Standing Committee shall be the Vice-President of the Corporation.
- c. The Secretary of the Diocese shall be the Secretary of the Corporation.
- d. The Treasurer of the Diocese shall be the Treasurer of the Corporation.

5.6 **Deviation From By-Laws**

To the extent that compliance with the Canons herein is impracticable or impossible insofar as the regulation of its temporal affairs pursuant to the Massachusetts General Laws or the civil law of any jurisdiction is concerned, the Standing Committee may authorize deviation from the same; provided however, that nothing herein shall work to change the ecclesiastical organization, purposes, functions and government of the Diocese without the approval of the Synod in accordance with the amending process of these Canons.

CANON 6. THE OFFICE OF BISHOP

6.1 Authority, Rights and Duties

The Bishop Ordinary of the Diocese of the Northeast shall be the Chief Executive Officer of the Diocese and shall exercise all authority episcopal therein. Subject to the provisions of the Constitution and Canons of the Anglican Church in America, he has, by virtue of his office, charge of the care, government and administration of the Church in this Diocese, as well as the cure of souls of all clergy and laity herein.

6.2 Election of a Bishop Ordinary

- a. Upon a vacancy occurring in the office of Bishop Ordinary, the Standing Committee shall issue a Writ of Summons to an Election Synod, which shall be held no earlier than thirty-five days nor later than ninety days subsequent to the mailing of the Writ of Summons. The notice of the Election Synod shall be mailed to each constituent congregation of the Diocese and to all members of the House of Clergy of the Diocese.
- b. Candidates for Bishop may be nominated by the Vestry of any congregation in this Diocese, or by three delegates, whether clerical or lay, to the Election Synod.
- c. The election of the Bishop shall be preceded either by a votive Eucharistic celebration of the Holy Spirit, or by suitable prayers invoking the assistance and guidance of the Holy Spirit. Balloting shall be by secret ballot, all present being required to cast a ballot, even if blank. A two-thirds majority of clerical delegates present, and a two-thirds majority of lay delegates present, shall be necessary to elect the Bishop. The Synod may, by rule, provide for elimination of candidates commencing with the fourth ballot.
- d. The Election Synod shall be composed of the Clerical Delegates comprising the House of Clergy as defined in CANON 11 and Lay Delegates elected or appointed in the same manner and in the same numbers as provided by CANON 12. The rules as to Quorum, Rules of Procedure, and other administrative matters, shall be the same as those specified by these Canons for meetings of the Synod of the Diocese.
- e. No Election Synod of this Diocese shall have any legislative authority or jurisdiction, or transact any other business than that of the election to the Episcopate specified in the Writ of Election, save only that the Synod shall have authority to determine qualifications of voters through application of the Constitution and Canons of the Anglican Church in America, the Canons of this Diocese, or rules previously adopted and made specifically applicable to the instant Synod.

6.3 Election of a Bishop Coadjutor

Under the circumstances and conditions specified by ACA Canon 36, Section 2(a), an Election Synod may elect a Bishop Coadjutor. The procedures and requirements for the election of a Bishop Ordinary specified in Canon 6.2 above shall apply to the election of a Bishop Coadjutor.

6.4 Election of a Bishop Suffragan

If the Bishop Ordinary asks for the assistance of a Suffragan, he shall nominate the candidate to the Synod. This may be a special Election Synod convened and conducted according to the procedures of Canon 6.2a, c, d and e above or the Diocesan Synod at its Annual Meeting. In either case the procedures of Canon 6.2c shall be followed.

6.5 Deans and Deaneries

With the consent of the Standing Committee, the Bishop Ordinary may establish one or more Regional Deaneries or, upon sixty days prior notice to the constituent Parishes and Missions, may dissolve the same, as he shall deem necessary to the proper administration of the Diocese. He may appoint a Priest of the Diocese situated in that Deanery to be the Dean thereof.

6.6 Temporary Ecclesiastical Authority of a Suffragan Bishop

- a. Upon the death of the Bishop Ordinary of the Diocese of the Northeast, and in the absence of a Coadjutor, the Suffragan Bishop of said diocese shall be placed in charge of said diocese and become temporarily the Ecclesiastical Authority thereof until such time as a new Bishop Ordinary shall be chosen and consecrated.
- b. During the disability or absence of the Bishop Ordinary of the Diocese of the Northeast, and in the absence of a Coadjutor, a Suffragan Bishop of said diocese shall be placed in charge of said diocese and become temporarily the Ecclesiastical Authority thereof.

CANON 7. THE OFFICE OF ARCHDEACON

7.1 Appointment and Tenure

- c. The Bishop may appoint to the office of Archdeacon of the Diocese some able Priest who has no fewer than six years in Priest's orders. Such appointment shall be subject to confirmation by the Synod of the Diocese, voting by orders, at its next meeting.
- d. The Archdeacon shall hold office at the pleasure of the Bishop by whom he was appointed. Upon the death, resignation, translation, or removal of the Bishop, the Archdeacon shall tender his resignation to the successor in the See. He shall also tender his resignation as Archdeacon if he resign as Rector or Priest-in-Charge of the Congregation(s) of which he is in charge.

7.2 **Authority and Duties**

The Archdeacon shall exercise the authority and perform the duties assigned to him by the Ordinary. In particular, his functions shall include the following:

- a. He shall represent and assist the Bishop in his pastoral care within the Diocese. He shall see that all who hold ecclesiastical office within the Diocese perform their duties with diligence. He shall bring to the Bishop's attention any situation or action within the Diocese which may need consideration by the Bishop.
- b. He shall make Canonical Visitations to Parishes or Missions of the Diocese as directed by the Bishop Ordinary.
- c. Upon receiving Letters Mandatory of the Bishop, the Archdeacon shall perform the Office of Institution for the Bishop of any Priest to be instituted to any benefice.
- d. Upon request of the Bishop, he shall give his advice on the appointment of Rectors and Priests-in-Charge.
- e. He shall make a formal report of his official acts during the year to the Annual Meeting of the Diocesan Synod.

CANON 8. **STANDING COMMITTEE**

8.1 **Membership**

- a. The Standing Committee shall elect from its own body a President and a Secretary who shall retain those offices until Successors are elected. The Bishop shall have seat and voice, but not vote, in the Committee. He shall retain the right to preside when present. In his absence, the President of the Committee shall preside.
- b. The Chancellor, the Secretary, and the Treasurer of the Diocese, as well as any Suffragan or Coadjutor Bishop, if there be such, shall be ex-officio members of the Standing Committee with seat, voice and vote.
- c. In addition to the members provided by paragraphs 8.1a and b, there shall be three Clergy and three Lay Members of the Standing Committee. These members shall be elected by the Synod for three year staggered terms of office as previously established by former editions of these Canons. Elected members shall be eligible for reelection.

8.2 **Meetings**

The Standing Committee shall meet at least three times between each two Annual Meetings of the Diocesan Synod, one of which meetings shall be the day before the meeting of the Synod. It shall meet at any other time upon the call of the President, the Vice-President, or of any one-third of the members of the Committee. Normal notice for meetings shall be given ten days in advance thereof; in an emergency a meeting may be convened on shorter notice. The Standing Committee may vote by mail or telephone on any matter, and such action, when recorded by the Secretary of the Diocese, or his deputy, shall have the same effect as any action of the Standing Committee taken in a meeting, provided that the Secretary certifies that all voting members were afforded the opportunity to vote by mail or telephone.

8.3 **Quorum**

A majority of the actual voting membership of the Committee shall constitute a quorum; however, a meeting may be held lacking a quorum present provided that, for a vote taken on any matter there shall be sufficient proxy votes either written or by telephone, specifically relating to that matter, to constitute a quorum. A majority of the quorum so convened shall be competent to act unless the contrary is expressly required by a canon of the General Synod.

8.4 **Vacancies**

The Bishop Ordinary shall appoint a replacement to fill any vacancy on the Committee occurring between Annual Meetings of the Synod. If the vacancy be in a position elected by the Synod, the Synod, at its next Annual Meeting, shall elect a person of the like order to fill any unexpired term.

8.5 **General Authority**

- a. The Standing Committee shall be the Bishop's Council of Advice. The Committee shall be authorized to function for the Synod in accordance with these Canons and specific directives of the Synod.
- b. If there be a canonical vacancy in the See, the Standing Committee, not inconsistent with the authority of the Metropolitan of the Province, shall be the Temporal Authority of this Diocese.

8.6 **Attendance**

Members having two consecutive unexcused absences from scheduled meetings are subject to dismissal by vote of the Standing Committee.

CANON 9. **OFFICERS OF THE DIOCESE**

9.1 **Chancellor**

- a. The Bishop shall appoint some able communicant of the Diocese to be the Chancellor of the Diocese. He shall be trained in the law if a person of such training is available. Such appointment shall be subject to confirmation by the Synod.
- b. The Chancellor of the Diocese shall have the following duties:
 - (1) To be the advisor, confidential or otherwise, to the Bishop Ordinary, the Standing Committee, the Synod or either House thereof, the Marriage Tribunal and the Ecclesiastical Court.
 - (2) To examine and approve, as to the requirements of civil and canon law, all contracts entered into by the Diocese, the Diocesan Corporation and any other canonically established agency, instrumentality or organization of the Diocese, and to examine and approve the title to all property purchased by the Diocesan Corporation.
 - (3) To attend to the proper registration of all documents affecting the title of property belonging to the Diocesan Corporation.
 - (4) To represent, or supervise the representation of, the Diocesan Corporation in any litigation brought by or against it, or which affects any of its properties, and to serve as general advisor of the Diocesan Corporation.
 - (4) To deliver to his successor all records and papers pertaining to his office.

9.2 Treasurer

- a. The Bishop shall appoint some able communicant of the Diocese, competent to handle financial affairs, to be the Treasurer of the Diocese. Such appointment shall be subject to confirmation by the Synod.
- b. The Treasurer shall have the following duties:
 - (1) To receive and account for all monies collected by authority of the Diocese, or deposited with him for any Church purpose, keeping a separate account of each such fund upon which any payments are made to him.
 - (2) To deposit all funds of the Diocese with one or more financial institutions approved by the Standing Committee.
 - (3) To make specific payments from each fund, as promptly as collections will allow, in conformity with the canonically established budget of the Diocese, and in accordance with rules adopted by and upon the order of persons authorized by the Standing Committee, provided, however, that the Bishop shall have sole authority to make or authorize payments from his Discretionary Fund.
 - (4) To give to the Auditor appointed in accordance with these Canons such assistance and cooperation as the same may require in connection with the performance of the duties of the Auditor.
 - (5) To deliver to his successor in office all funds, books, and papers pertaining to his office.
- c. The Treasurer's accounts shall at all times be subject to inspection under the authority of the Bishop, the Synod, or the Standing Committee, and he shall furnish a quarterly statement to the Bishop, to each member of the Standing Committee and to each Parish and an annual statement to each member of the Synod at the Annual Meeting thereof
- c. The Treasurer shall be bonded.

9.3 **Secretary**

- a. The Bishop shall appoint some able communicant of the Diocese, capable of performing the duties and responsibilities of Secretary, to be the Secretary of the Diocese. Such appointment shall be subject to confirmation by the Synod.
- b. The Secretary of the Diocese shall have the following duties:
 - (1) To be, under the supervision of the Bishop, the Administrative Officer of the Diocese, and to supervise the Diocesan Headquarters staff, except for those independent offices established by these Canons.
 - (2) To record the proceedings of the Synod, and of the Standing Committee, and to deposit same among the permanent records of the Diocese
 - (3) To preserve the official records, papers, and books of the Diocese.
 - (4) To notify promptly all persons concerned of all canonically authorized meetings, elections, resolutions, or actions taken.
 - (5) To furnish to the Bishop, the Synod, the Standing Committee, the Ecclesiastical Court, the House of Clergy, and the various commissions of the Diocese, appropriate official lists of the Clergy and of the Parishes of the Diocese prepared in such a way as to meet the needs thereof.
 - (6) To prepare attest to, and submit such reports, lists of delegates or other representatives, and records from the Diocese or any canonically established element or agency thereof, as may be required, to any Provincial, National or International ecclesiastical body or authority.
 - (7) To supervise the proper publication of the proceedings of the Synod, and publication of such other matters as may be directed by the Standing Committee.
 - (8) To keep, in a separate book, a Register of all Clergy canonically resident in the Diocese, indicating the dates of and other pertinent data concerning their respective ordinations and receptions, all transfers to or from other jurisdictions, and all dismissals, depositions or deaths of the Clergy of the Diocese.
 - (9) To keep a Register of all Parishes and Missions affiliated with the Diocese, showing their respective organizations, admissions, successions of Clergy in charge, other Clergy serving in the Parish or Mission, and such other particulars as may be necessary to indicate their respective status and history.
 - (10) To deliver to his successor in office all records and papers pertaining to his office.
- c. The Parishes and Missions of the Diocese shall have the obligation to submit to the Secretary, on forms provided by him for that purpose, the Annual Parochial Report required by the canons of the Anglican Church in America to be submitted no later than Ash Wednesday of each year. The Secretary shall collect, organize, and permanently preserve the same.

9.4 **Historiographer**

The Bishop may appoint an Historiographer of the Diocese, who shall receive, file, index and preserve any books, paper, journals, reports, manuscripts, pamphlets or other documents pertaining to the Diocese, the Parishes and other institutions of the Diocese, and to the Church generally, or to the history thereof. Such appointment shall be subject to confirmation by the Synod.

9.5 **Deputy Officers**

The Standing Committee from time to time may authorize deputy Diocesan officers who shall exercise all the powers and duties of the principal officer in his absence, and shall perform such duties as the principal officer may assign. Such deputy offices shall be filled by the Bishop with the advice and consent of the Standing Committee.

9.6 **Tenure of Officers**

Any officer or deputy officer appointed under the authority of this Canon shall hold office until the adjournment of the next succeeding Annual Meeting of the Synod. He may be reappointed. He may be removed from his office at any time for cause by the Bishop with the consent of a majority of the Standing Committee. If an appointive office falls vacant for any reason between meetings of the Synod, it shall be filled by appointment by the Bishop Ordinary subject to confirmation by a majority of the Standing Committee.

CANON 10. **SYNOD**

The Synod of the Diocese of the Northeast shall consist of the Bishop Ordinary, a House of Clergy, and a House of Laity.

10.1 **Annual Meeting**

- a. The Regular Meeting of the Synod shall be held annually during the month of September at a place within the Diocese designated by the Synod at its previous meeting. The date of the meeting may be varied by that Synod to a day not more than three weeks before or after the normal date. For cause, the Standing Committee, after adjournment of that Synod, may change the date within the above time period or may change the place of the next meeting to another place within the Diocese. Notice of said meeting shall be given in writing to the constituent Parishes and Missions, and mailed no later than ninety days prior to the proposed meeting date.
- b. The Diocesan Secretary shall, at least twenty days prior to the meeting, mail to each delegate an information package which shall include: the List of Delegates to the Synod; a Tentative Agenda; the Minutes of the previous meeting of the Synod; a Summary of the Annual Parochial Reports; any amendments to these Canons which have been proposed; any other important business which he expects will be introduced to the Synod.

10.2 **Special Meetings**

The Bishop Ordinary may convene a Special Meeting of the Synod at any time or place within the Diocese, either on his own initiative or on petition of the Standing Committee, the House of Clergy, or the Vestries of one-fourth of the constituent Parishes and Missions, mailed at least thirty-five days in advance thereof. If a petition for a Special Meeting is not granted by the Bishop, the petitioner shall have the right to appeal to the Metropolitan who may then convene a meeting of the Synod.

10.3 **Quorum and Voting**

- a. Thirty percent of the House of Clergy and fifty percent of the House of Laity shall constitute a canonical quorum for transaction of business of the Synod, except as otherwise specifically provided in these Canons. The Synod shall deliberate in one body.
- b. Except where a larger percentage is required by the provisions of these Canons, a majority of those present and voting, a quorum being present, shall be sufficient for passage of matters brought before the Synod. Any member may, prior to the vote, call for a vote by Houses (sometimes known as a vote by Orders), in which case the required percentage shall be required in each House. No proxy votes shall be accepted.
- c. No enactment or resolution in any meeting of the Synod shall have effect without the assent of the Bishop, which is not lightly nor without the gravest cause to be withheld. The reason for any withholding of assent shall be in writing.

10.4 **Officers**

The Presiding Officer of the Synod shall be the Bishop Ordinary or his designee. If there is no Bishop Ordinary, or if he is unable to act, the President of the Standing Committee or his designee shall serve as the Presiding Officer. The Secretary of the Diocese, or his Deputy, shall record, prepare for distribution and preserve the proceedings of the Synod. The Presiding Officer may appoint a Parliamentarian to advise him on questions of order and other matters of a parliamentary nature.

10.5 **Rules of Procedure**

Unless otherwise provided for in these Canons or in the rules of procedure adopted by the Synod, the business of the Synod shall be conducted according to Robert's Rules of Order, latest revision.

10.6 Terms of Office of Diocesan Officials

Unless otherwise provided for in these Canons, for the purpose of calculating the terms of office of all persons elected or appointed by the Synod, or by any constituent authority or entity of the Diocese, the period between the adjournments of any two successive Annual Meetings of the Synod shall be deemed to be one year.

CANON 11. HOUSE OF CLERGY

There shall be a House of Clergy of the Diocese which shall be comprised of all Bishops other than the Bishop Ordinary, and all Priests and Deacons, active and retired, canonically resident in the Diocese and not under discipline, all of whom shall have voice and vote therein.

CANON 12. HOUSE OF LAITY

The House of Laity shall consist of Lay Delegates of the constituent Parishes and Missions of the Diocese, elected in accordance with their respective By-Laws. Each constituent congregation shall be entitled to Lay Delegates based on the number of communicants in voting status in the Congregation according to the following table, each of whom shall have voice and vote:

Communicants in voting status	Lay Delegates
2 through 37	1
38 through 62	2
63 through 87	3
more than 87	4

In addition each Congregation shall select a like number of alternates, ranked in order of precedence. Alternates shall have voice and vote only when properly seated to replace an absent delegate. In addition to the elected delegates of the Parishes, the Lay Members of the Standing Committee shall have seat, voice and vote in the House of Laity.

Missions, not subject to the financial and reporting obligations of parishes, are not entitled to Delegates in the House of Laity.

CANON 13. **ECCLESIASTICAL COURTS**

13.1 **The Diocesan Court of the Ordinary**

There shall be a Diocesan Court of the Ordinary through which the judicial authority of the Bishop Ordinary shall be exercised.

a. Composition

The President of the Court and Presiding Judge shall be the Bishop Ordinary or his duly appointed Official Principal. In addition to the President, there shall be three lay members and three clerical members.

b. Appointment of members

At the meeting of the Synod at which this Canon is adopted, the Bishop shall appoint one lay member each for terms of six, four, and two years, and one clergy member each for terms of five, three and one year.

Thereafter, at each Annual Meeting of the Synod, the Bishop shall appoint, to serve for a term of six years, a person of the appropriate order to fill the membership expiring that year.

Each appointment shall be subject to confirmation by a majority vote of the Synod. Members may be reappointed without limit.

- c. If a vacancy occurs in the membership of the Court other than by expiration of the term for which the member was appointed, the Bishop shall appoint a person to fill the vacancy until the next Annual Meeting of the Synod. At that meeting, he shall appoint a person of the appropriate order, subject to confirmation as above, to complete the unexpired term.

d. Jurisdiction

The Court shall have jurisdiction as follows:

Trial of members of the clergy, other than bishops, within the Diocese for breach of discipline or offenses against ecclesiastical law.

Resolution of disputes arising upon the interpretation of the Constitution and Canons of the Anglican Church in America, this province, or this Diocese.

Any and all ecclesiastical causes

Any and all matters and causes assigned to such Court by the constitution and Canons of this Church, this Province, or this Diocese.

13.2 **Marriage Tribunal**

There shall be a Marriage Tribunal through which the Bishop Ordinary may exercise his authority and jurisdiction in cases matrimonial.

The members of this Tribunal shall be communicants in good standing of this Church. They shall be appointed by the Bishop Ordinary and shall serve at his pleasure. The number of members and their qualifications shall be as considered necessary and suitable by the Bishop.

13.3 **Administration**

- a. The Diocesan Court of the Ordinary and the Marriage Tribunal shall each adopt its own rules of conduct and procedure, and for the execution of sentences, decisions and judgments made by it.
- b. The records of all cases considered by either court shall be deposited with the Secretary of the Diocese in either the confidential or the public records of the Diocese as may be determined for each case. The Bishop Ordinary may order all or part of such records sealed subject to his subsequent review.

13.4 **Appeal**

Any appeal from any sentence, decision, decree, judgment or order of the Diocesan Court of the Ordinary or of the Marriage Tribunal or any other tribunal, or of the Bishop Ordinary, shall be made in accordance with the Constitution and Canons of the Anglican Church in America.

CANON 14. **BOARD OF EXAMINING CHAPLAINS**

As prescribed by Canon 29 of the Canons of the Anglican Church in America, the Board of Examining Chaplains of this Diocese shall, under the guidance and oversight of the Bishop Ordinary, conduct the examinations of Postulants and candidates for Sacred Orders.

The Board of Examining Chaplains shall consist of three learned Presbyters, canonically resident within the Diocese, nominated by the Bishop at Annual Synod and confirmed by vote of the Synod. At the first Synod after adoption of this Canon, the Bishop Ordinary shall nominate one presbyter for a one year term, one for a two year term, and one for a three year term. Thereafter, the term of each Examining Chaplain shall be three years. A man may be renominated and reconfirmed without limit. A chairman shall be appointed annually by the Bishop from among the three members of the Board of Examining Chaplains. The Bishop may appoint other learned persons to serve as additional Examining Chaplains *ad hoc*, as the need may arise, for terms of office specified by him. These nominations shall be confirmed by the Synod or, between meetings of the Synod, by the Standing Committee.

CANON 15. PARISHES AND MISSIONS

15.1 Designation and Legal Status

Each congregation shall be organized as a Parish or a Mission. A Parish or Mission may be incorporated as a religious or not for profit corporation under the laws of the State or Commonwealth in which it is located. Whether or not incorporated, each congregation shall adopt a set of By-Laws, a copy of which, and of all subsequent amendments, shall be deposited with the Secretary of the Diocese. The Secretary in turn shall provide copies to the Chancellor.

15.2 Definitions

- a. A Parish is a congregation formally admitted to the Diocese, having the regular ministry of a Rector or Priest or Deacon in Charge, not dependent financially on support from the Diocese, but rather contributing regularly to the Diocese as provided by Canon 15.3, and making the Annual Reports required by that Canon.
- b. A Mission is any congregation not meeting these criteria. This definition includes Urban Missions not having an organized parochial structure, congregations associated with the Diocese but not formally admitted to constituent status as Parishes, and congregations formerly admitted as Parishes but currently in inactive status. The Bishop Ordinary has the cure of souls in all missions but he may appoint a qualified person to act in his stead. Such person may be styled a Missioner, a Vicar, or a Lay Leader, as appropriate. This person shall be under the direction of the Bishop Ordinary or a Bishop or Priest designated by him.

15.3 Parochial Obligations to the Diocese

Each Parish is required to submit an Annual Parochial Report (ACA Canon 4, Section 1) and to provide financial support to the Diocese by payment of pledges (DNE Canon 16.3). If a Parish has not submitted the required report prior to the Annual Meeting of the Synod of the Diocese or has not contributed to the financial support of the Diocese during the Fiscal Year prior to that meeting, the delegates of that Parish shall not be eligible to vote at the Annual Meeting. If, within six months after that meeting, the Parish has still not fulfilled these obligations, the Bishop Ordinary, with the consent of the Standing Committee, may declare that Parish to be inactive, notifying the appropriate officer of the Parish of this action by Certified or Registered Mail. If the Parish does not rectify the delinquency within six months of such notification, it shall be formally dropped from the rolls of the Diocese, again being so notified by Certified or Registered Mail.

15.4 **Obligations of a Mission**

A Mission is not required to meet the financial and reporting obligations of Canon 15.3. However, each active constituent Mission of the Diocese shall submit semiannual reports to the Bishop Ordinary or his representative, one prior to Easter and one prior to Michaelmas each year. These reports shall include a narrative of the activities of the Mission during the preceding six months and any other information which the Bishop or his representative may require or which the leader of the Mission deems appropriate.

15.5 **Admission to the Diocese**

At the time of the adoption of this Canon, the Congregations of this Diocese are:
In Maine: St. Mark, Cornish;
In Massachusetts: St. Columba, Dudley; St. George, Easthampton; Holy Spirit, Pepperell; St. Matthew, Boston;
In New Hampshire: St. Elphege, Winchester; St. Luke, Amherst; St. Margaret of Scotland, Conway;
In New York: St. Elizabeth, Tuxedo; Holy Cross, Rochester; Holy Innocents, Scarborough; St. Joseph, Brooklyn; St. Jude, The Bronx; St. Winifred, Hollis;
In Rhode Island: St. Matthias, Ashaway;
In Vermont: All Saints, Danville; St. Andrew, Randolph Center; St. David, Poultney.

Other Parishes and Missions shall be admitted to constituent status upon subscription to these Canons, favorable vote by the Synod and the assent of the Bishop Ordinary.

Parishes and Missions may be provisionally admitted to constituent status upon subscription to these Canons and favorable vote by the Standing Committee. Confirmation of this provisional admission shall be considered by the Synod at its next meeting. A congregation provisionally admitted may elect delegates to Synod in the number specified by CANON 12, but these delegates may not be seated until the provisional admission is confirmed by the Synod.

15.6 **Officers**

Each Parish shall have a Vestry consisting, as a minimum, of a Warden, a Treasurer and a Clerk. Other officers and delegates may be elected or appointed according to the needs of the Parish and the provisions of its own By-Laws and procedures.

15.7 **Meetings**

Each Parish shall hold an Annual Meeting which shall, in accordance with its own procedures, effect the election of its Vestry, officers, and delegates.

15.8 **Qualifications for Membership, Voting, and Holding Office**

The qualifications for membership and for membership in good standing are specified by ACA Canon 15. Each congregation may establish such additional criteria for voting membership and for holding office as it deems appropriate.

15.9 **Rectors and Priests in Charge**

Each Parish shall function under a Bishop, Priest or Deacon of the Church, who shall have the Cure of Souls therein. Each Parish shall have the right to select its own Rector, but no Parish shall extend a call to any Priest without the prior written approval of the Bishop. In case of a vacancy in a Parish, the Bishop shall have direct charge of and the cure of Souls within that Parish.

15.10 **Officiants at Services**

No person shall regularly officiate, nor shall he regularly assist in any official role, at any service of the Church in this Diocese unless he be a communicant member, or a member preparing for admission to communion, duly trained for his role, and licensed by the Bishop where required. A person not in communion with this Province of the Church may be invited by the Pastor or Vestry upon occasion to fulfill an official function, provided that he administer no sacraments. Exceptions to this Canon may be specifically authorized by the Bishop in exceptional circumstances.

CANON 16. **FUNDING OF THE DIOCESE**

16.1 **Fiscal Year**

The Fiscal Year of the Diocese shall run from 1 September through 31 August.

16.2 **Budget**

The Bishop shall, sufficiently in advance of the Annual Meeting of the Synod, direct the Diocesan Treasurer, with such assistance as he may require, to prepare for submission to the Synod, a budget for the conduct of business of the Diocese for the ensuing fiscal year of the Diocese. The Treasurer shall, as soon as practicable, submit a Draft Budget to the Secretary for review by the Standing Committee. The Standing Committee shall complete its review in time to present and recommend the Proposed Budget to the Annual Meeting of the Synod.

16.3 **Diocese to be Supported by Constituent Congregations**

Funds for conduct of the business of the Diocese, as budgeted for by the Synod, shall be provided by payment of pledges made by the various Parishes and Missions of the Diocese and by such other funds as may be available for that purpose. The standard for such pledges shall be a tithing of the general operating income (including pledge and plate income) of each Parish and Mission, payable monthly to the Treasurer of the Diocese.

16.4 **Expenditure of Funds**

- a. Budgeted funds shall be expended by authority of the Diocesan element having functional responsibility for the budgeted purpose. This authority shall be exercised either by a voucher system requiring payment of vouchers, within the budgeted amount, submitted to the Treasurer by the Diocesan element concerned, or by disbursement by the Treasurer to the Diocesan element concerned of one-twelfth of the annual amount budgeted each month for use directly by the Diocesan element. Each Diocesan element shall arrange with the Treasurer the method best suited to its operation. The Treasurer, with the consent of the Standing Committee, may designate one or more individuals to approve disbursement, and to execute checks and drafts.
- b. Between Annual Meetings of the Synod, the Standing Committee may make modifications to the Budget (as to allocation and expenditure of funds) adopted at the preceding Synod in an amount or amounts not to exceed 10% of the total budgeted income. The Standing Committee, by 3/4 of its voting membership, may modify the budget beyond the above limits whenever it deems such action to be required by extraordinary circumstances.

CANON 17. **PROVINCIAL, NATIONAL, AND INTERNATIONAL SYNODS**

17.1 **Synods**

Clerical and Lay delegates and alternates, in order of precedence, who shall be canonically resident in the Diocese or communicants of some constituent congregation of the Diocese, shall be elected by the Synod in such numbers as provided for by the Provincial, National or International Synod to represent the Diocese in said Synods. Such delegates and alternates shall continue in office until their successors are elected.

If the number of delegates and alternates elected in either order is reduced below the number required, the Bishop, with the advice and consent of the Standing Committee, may appoint additional delegates and alternates who shall take precedence below those elected.

17.2 **Executive Council**

At its 1999 meeting the Diocesan Synod shall elect one Presbyter Member of the Executive Council of the Anglican Church in America for a term of three years, and two Lay Members, one for a term of three years, and one for a term of six years. Subsequently, all Lay Members shall be elected for terms of six years.

Should any vacancy occur in the Council through the death or resignation of a member elected to the Executive Council or through the change in status of any such member by consecration or ordination, the Diocesan Synod shall elect at its next meeting a suitable person to serve the portion of any term which will remain unexpired.

CANON 18. **ANNUAL REVIEW OF DIOCESAN FINANCIAL ACCOUNTS**

The Standing Committee shall appoint a qualified person or engage a firm of independent accountants who shall perform an independent review of the financial accounts and records of the Diocese at the end of each Fiscal Year and shall furnish a statement of this review to the Synod. The person or firm so appointed shall retain that position until a successor is appointed.

CANON 19. **DISPOSITION OF PROPERTY ON DISSOLUTION**

In the event of dissolution of the Diocese, the assets shall be distributed in accordance with Internal Revenue Service Regulations.

CANON 20. **AMENDMENTS**

20.1 **Notice**

Proposed amendments to these Canons shall be submitted in writing to the Secretary of the Diocese at least sixty days prior to the Synod meeting at which the proposed action is to be taken. The foregoing notice may be waived by a 90% affirmative vote of the Synod.

20.2 **Voting**

Amendment of these Canons shall require a two-thirds majority of those present and voting at two successive Annual Meetings of the Synod, or a three-fourths majority of those present and voting at a single Annual Meeting of the Synod.

CANON 21. OF THE TEMPORAL AFFAIRS AND POSSESSIONS OF CONGREGATIONS

The right of Congregations to control their temporalities, and to freedom from claims of any Diocesan or Provincial or Synodical Trust or implied Trust asserted by the adherence of such Congregation to the Communion of this Church, or by its adherence to the Constitution or Canons of any Diocese, Province or Synod shall be forever recognized and protected. This Canon is not subject to amendment nor rescission.
