

# The Joint Commission on Constitution and Canons

## I. INTRODUCTION

The Joint Commission on Constitution and Canons was established by the 65th General Convention in Minneapolis and was given the task of 1) approving as to form proposed Constitutional and Canonical amendments when asked to do so by their authors, 2) conducting a "comprehensive review" of the Constitution and Canons and proposing such amendments as seem indicated to insure the "internal clarity and consistency" of the same, and 3) carrying out such specific assignments as might be referred to the Commission by General Convention.

The membership of the Commission is as follows:

The Rt. Rev. Duncan M. Gray, Jr., *Chairman*  
The Rt. Rev. Ned Cole  
The Rt. Rev. Robert M. Wolterstorff  
The Rev. John Baiz  
The Rev. Orris G. Walker, Jr.  
The Rev. Canon Leopold Damrosch  
Fred C. Scribner, Esq., *Vice Chairman*  
Mr. George L. McGonigle  
Reynolds S. Cheney, Esq.  
Edward J. Cambridge, Esq., *secretary*  
James K. Barnum, Esq.  
Samuel Francovich, Esq.

In addition, Robert C. Royce, Esq., Chancellor of the Diocese of Long Island, accepted certain assignments from the Commission and attended two of our meetings.

The Commission was not funded by General Convention, but we were able to get a special grant from Program, Budget, and Finance that enabled us to hold three meetings during the triennium. However, the grant was not sufficient to cover the full cost of these meetings, and we are indebted to the individuals and parishes serving as our hosts for providing meals and housing for the members at each meeting. In addition, some members paid their own expenses in certain instances. Further information regarding finances is included in other sections of this report.

The Commission canvassed all diocesan Chancellors and professors of Canon Law for their ideas and suggestions in relation to a "comprehensive review", and each response was carefully considered and acted upon by the Commission. In addition, a number of referrals was made to the Commission by individuals and official bodies of the Church, and we dealt with these in each case as seemed appropriate in the light of our charge from General Convention. Individual members of the Commission were given assignments at each meeting to report back at the next, but everything in our report was acted upon finally by the entire Commission.

Among the referrals from General Convention was the updating of *Constitution and Canons, Annotated*, by White and Dykman, and a special sub-committee consisting of Mr. Fred C. Scribner, Chairman, Mr. Reynolds S. Cheney, and Mr. George McGonigle was assigned this particular task. A progress report on this project is included below.

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One further note: the members of the Commission are painfully aware of the fact that our report is a lengthy one and that many of the items included are of little but technical consequence. However, this is inevitable in a "comprehensive review" such as we were asked to make, and we ask the General Convention's patience and understanding. We hope that we have put the amendments in such a form that they can be acted upon expeditiously with a minimum use of legislative time in both Houses. In this hope, we submit our recommendations as follows:

### II. REFERRALS FROM GENERAL CONVENTION

#### A. Amendment to Article I, Sec. 4.

The Commission was instructed to examine the amendment to Article I, Sec. 4 of the Constitution proposed at the 1973 General Convention and finally acted upon in 1976 (Resolution A-120, Journal, p. C-74), to determine whether this would necessitate any canonical amendments. The Commission finds that none would be needed.

#### B. Assistant Bishops.

In recent years the position of "Assistant Bishop" has been created in several dioceses as an alternative to electing a Suffragan or Coadjutor. The canonical basis for this action is found in Canon III.18.9(e) at the present time. Without necessarily promoting this third alternative at the expense of the other two, there seems to be a need to regularize and to clarify further the nature of this position in our national canons. To this end, a number of resolutions were introduced at the 65th General Convention (C-12, C-13, C-14, C-15, C-16, C-17), but no concurrent action was taken. Instead, the General Convention referred this matter to the Joint Commission on Constitution and Canons for further study and requested that a proposal be presented to the 66th General Convention. In response to this request, we recommend the following:

#### Resolution # A-2

*Resolved, the House of \_\_\_\_\_ concurring, that following present Canon III.19 entitled "Of Duties of Missionary Bishops" there shall be a new Canon to be designated "Of Assistant Bishops" to be numbered Canon III.20 and to read as is hereafter set forth with present Canon III.20 thru III.29 to be renumbered to be, respectively, Canons III.21 through III.30.*

#### *TITLE III, Canon 20*

#### *Of Assistant Bishops*

*Sec. 1. Whenever any Diocese shall, in the opinion of its Bishop, require additional episcopal services, the said Bishop may, with the consent of the Standing Committee of the Diocese, in lieu of requesting the election of a Coadjutor or Suffragan Bishop, ask the Diocesan Convention to approve the creation of the position of Assistant Bishop, by the adoption of a Canon, and to authorize the Bishop to appoint a Bishop for such position, with the consent of the Standing Committee of the Diocese, and under such conditions as the Bishop may determine.*

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*Sec. 2. Such Assistant Bishop may be appointed from among the following:*

- (a) Bishops now exercising jurisdiction, or serving as Suffragan Bishop, who under the Constitution and Canons, and subject to their provisions, would be eligible for election in that Diocese; Provided, that before accepting any such appointment a Bishop exercising jurisdiction as the Ordinary or as the Bishop Coadjutor shall resign that jurisdiction, or the right of succession, as the case may be;*
- (b) Bishops who, having previously resigned their former responsibilities, are qualified to perform episcopal acts in this Church; and*
- (c) Bishops of a Church in communion with this Church, in good standing, their appointment to the position of Assistant Bishop being subject to the approval of competent authority within that Church.*

*Sec. 3. An Assistant Bishop so appointed shall serve at the discretion of and be under the control and direction of the Bishop having jurisdiction.*

*Sec. 4. No person may serve as an Assistant Bishop beyond the termination of the jurisdiction of the appointing Bishop or after attaining the age of 72 years.*

### **C. Updating and Revision of White and Dykman.**

In response to the action of the 65th General Convention (Resolution D-4, Journal, p. C-136), the Joint Commission has concluded that there is a measurable and informed desire within the Church for an updating of the 1954 edition of *Constitution and Canons, Annotated*, by White and Dykman, which is now out of print. Although a cumulative supplement to White and Dykman covering the period 1952 to 1964 was prepared and published, this supplement did not have widespread distribution and is now also out of print.

It has been determined by the Commission that the bringing up to date of the 1954 edition of White and Dykman, if it involved a republication on an updated basis of the 1954 edition, would require a two volume publication with a probable cost in excess of \$50,000.

Bishops, chancellors, and students of the government of the Episcopal Church in the U.S. would use and acquire copies of a revised edition of White and Dykman, but it seems clear that there would not be a general demand for the new book.

Consultations have been held with officials of the Church Hymnal Corporation and Seabury Press concerning the number of copies which should be printed. The best estimate at this time is that the number of copies should be 1000 to 1500 and that it would take about 10 years to sell this number of copies.

It has therefore been the recommendation of the Commission that a new annotation be prepared covering General Conventions from 1955 through 1979 and that this work be published as a separate supplemental book, probably with soft covers, although we have been informed that use of soft covers would not result in a great savings over the publication of a book with hard covers. Plans adopted by the Commission for publishing this third volume are as follows:

1. An experienced and competent research team would be engaged to draft the updated materials by consulting the records of General Convention and other sources.
2. The product of this effort will be circulated for review and comment to interested

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diocesan chancellors, professors of canon law, and others familiar both with the development of the Church's law in convention and by ecclesiastical and civil courts.

3. Final review and editing of the foregoing prior to publication will be by a committee of the Joint Commission which will deliver the final manuscript to Seabury Press.
4. When galley proofs are available from Seabury, selected reviewers will again check the work product for accuracy and comprehensiveness.
5. Based on the approved galleys, Seabury will print 1,000 copies and be responsible for marketing the third volume. We understand Seabury will also print photocopies of the two existing volumes if they believe there is a market for such an effort.

A careful consideration of knowledgeable people who might be secured to provide assistance to your Commission quickly led us to the conclusion that the Rev. Canon Charles M. Guilbert was uniquely qualified to assist in this work. Canon Guilbert agreed to do so, with the assistance of his daughter, Mrs. Elizabeth G. Jennings, and the Church Hymnal Corporation, acting on behalf of the Church Pension Fund, has agreed to undertake the payment of Canon Guilbert and Mrs. Jennings for their work.

Canon Guilbert has completed his review of all amendments to the Constitution through the 1976 General Convention and the material so prepared is in the hands of your Commission. Work is now proceeding on canonical amendments through 1976, and much of this should be completed by September, 1979.

Much of the work of your Commission has been addressed to the raising of funds to finance the preparation of the proposed supplement. No funds have been provided by General Convention. The Commission was able to secure assistance from the Church Hymnal Corporation, acting on behalf of the Church Pension Fund, which organization, under the leadership of its President, Robert A. Robinson, and his associate, the Rev. Craig Casey, has taken an enthusiastic interest in the work of the Commission and, as stated above, has agreed to provide funds for payment of research work.

Responding to a request presented by Bishop Gray, Chairman of the Joint Commission, and Robert C. Royce, Esquire, who has given the Committee the benefit of his expertise as a student of the Constitution and Canons, the Trustees of the George Mercer, Jr. Memorial School of Theology of Long Island, through the Rt. Rev. Robert C. Witcher, Chairman of the Trustees, have made available on a matching funds basis, the sum of \$10,000 to support the efforts of the Commission.

The Rt. Rev. Ned Cole has most helpfully secured a gift of \$2,000 from a foundation in his Diocese and smaller amounts have been raised from other sources.

The Commission is satisfied that it will be able to raise the funds to match the offer of \$10,000 and thus will have \$20,000 for its work, part of which has already been committed to support Canon Guilbert's research.

It is hoped that a minimum of \$15,000 will be authorized by the next General Convention for the updating of White and Dykman, and with the expected support from the Church Hymnal Corporation, acting on behalf of the Church Pension Fund, and the Seabury Press, at least a minimum number of copies of a third volume updating the 1954 edition of White and Dykman can be printed during the next triennium.

Therefore, the Joint Commission proposes the following resolution:

**Resolution # A—3**

*Resolved, the House of \_\_\_\_\_ concurring, that the Joint Commission on Constitution and Canons is authorized to proceed with the editing and updating of the annotated Constitution and Canons for the Government of the Episcopal Church, known as White and Dykman, published in 1954; that the Commission be authorized to secure such assistance by way of review, comment or otherwise as it may deem appropriate; that the Commission is authorized to publish its updating of said 1954 Annotation of the Constitution and Canons; and that to finance such editing, updating and publication, this 66th General Convention appropriate in the budget of the General Convention the sum of \$15,000*

**III. COMPREHENSIVE REVIEW**

**A. Gender in the Canons**

**1. Omnibus Resolution on Gender**

With all positions within the Church now open to women as well as to men, there is a need to update the canons to reflect these changes. Much has already been done in this regard, but the Commission in the course of its comprehensive review found a number of additional amendments that would seem to be desirable. The omnibus resolution presented below is intended to meet this need.

**Resolution # A—4**

*Resolved, the House of \_\_\_\_\_ concurring, that this matter be considered in its entirety, unamendable and not severable as follows:*

- 1. Wherever the word "man" appears in the Canons, it shall be amended to read "person" and the word "men" shall be amended to read "persons"; to wit**
  - A. III.8, Sec. 3, Page 69: "of men with modified requirements. . ."*
  - B. III.10, Sec. 3, Page 70: "man's mental and nervous condition;"\**
  - C. III.10, Sec. 10, (a), Page 75: "man of Christian character;" "man is being proposed;"*
  - D. III.13, Sec. 1, (c), Page 84: "man's mental and nervous . . . condition;"\**
  - E. III.14, Sec. 2, (a), Page 87: "medical men;"*
  - F. IV.3, Sec. 3, Page 117: "men learned in the law;"*
  - G. IV.8, Sec. 1, Page 130: "the man's moral character."*
- 2. "Clergyman" to read "Member of the Clergy;"**
  - A. I.7, Sec. 5, Page 33: "to every Clergyman . . . in the case of a Clergyman;"*
  - B. III.22, Sec. 2, Page 108: "the name of the Clergyman;"*
  - C. III.22, Sec. 5, Page 108: "the name of the Clergyman;"*
  - D. III.25, Sec. 4, Page 110: "Clergyman in charge;"\**
  - E. III.25, Sec. 5, Page 111: "Clergyman in charge;"*
  - F. III.25, Sec. 6, Page 111: "at the invitation of the Clergyman in charge;"*
  - G. IV.1, Sec. 1, (8), Page 115: "conduct unbecoming a Clergyman."*
- 3. That the word "Clergymen" be amended to read "Clergy;" to wit:**
  - A. I.1, Sec. 2, (b), Page 13: "may include clergymen and lay persons;"*

\*These would not be necessary if other amendments to III.10.3, III.13.1(c), and III.25.4 proposed by the Joint Commission are adopted. See below.

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- B. 1.1, Sec. 6 (d), Page 20: "other Clergymen who have died;"
  - C. 1.7, Sec. 3, Page 32: "compensation paid to Clergymen;"
  - D. 1.10, Sec. 2, (c), Page 40: "clergymen and lay persons;"
  - E. 1.14, Sec. 9, Page 44: "four Clergymen and four Laymen;"
  - F. III.1, Sec. 1, Page 57: "consisting of Clergymen and Lay Persons."
4. That the word "Laymen" be amended to read "Lay Persons;" to wit:
- A. 1.14, Sec. 9, Page 44: "four Clergymen and four Laymen;"
  - B. 1.14, Sec. 10, Page 44: "three Ministers and two Laymen."

### 2. General Canon on Gender.

The Joint Commission proposes the addition of a general Canon on construction to be added to Title V to assist in matters of gender. This would cover the use of the masculine pronoun as well as other terminology that might be considered by some to have exclusively masculine connotations.

#### Resolution # A—5

*Resolved, the House of \_\_\_\_\_ concurring, Title V, Canon 2 be amended as follows:*

*Sec. 2. The masculine gender whenever used in these canons shall be deemed to include the feminine gender.*

### 3. Women in the Diaconate.

As there is no longer a distinction in the requirements for the Diaconate as between women and men, Title III, Canon 26, Secs. 1 through 6 inclusive are superfluous. The remaining Sec. 7 applies to the Church Pension Plan and it should be ordered in that Canon.

#### Resolution # A—6

*Resolved, the House of \_\_\_\_\_ concurring, that Title III, Canon 26, be deleted in its entirety and that Title I, Canon 7, be amended by adding thereto:*

*Sec. 7. Women ordained to the Diaconate prior to January 1, 1971, who are not employed in active service on January 1, 1977, shall continue to have the benefit of their present provisions for pension protection at the expense of their employers, through the Pension Plan for Deaconesses provided by The Church Life Insurance Corporation, or through some other pension plan providing equivalent or better guarantees of dependable retirement income, approved by proper authority. Women ordained to the Diaconate prior to January 1, 1977, shall be entitled to the same provisions for pension protection as other Deacons based on prospective service on or after January 1, 1971, shall be entitled to the same pension protection as other Deacons. Be it further*

*Resolved, that Title I, Canon 7, Sec. 7 shall become Title I, Canon 7, Sec. 8, and that Title I, Canon 7, Sec. 8 shall become Title I, Canon 7, Sec. 9.*

### 4. Presentment of a Bishop.

The Canon concerned with the charging of a Bishop with offenses should be amended to provide that adult communicants, without regard to sex, may so charge and to make clear the number of lay communicants who must belong to the Diocese of the accused.

**Resolution #A—7**

*Resolved, the House of \_\_\_\_\_ concurring, Title IV, Canon 4, be amended to read:*

Sec. 3. A Bishop may be charged with any one or more of the offenses specified in Canon IV.1, other than that of holding and teaching doctrine contrary to that held by this Church, by three Bishops or ten or more ~~male~~ *adult* communicants of this Church in good standing, of whom at least two shall be Presbyters; one Presbyter and not less than six *lay* communicants shall belong to the Diocese of the accused, or, in case the accused have no jurisdiction, to the Diocese in which he has domicile. Such charges shall be in writing, signed by all the accusers, sworn to by two or more of them, and shall be presented to the Presiding Bishop of the Church. The grounds of accusation must be set forth with reasonable certainty of time, place, and circumstance.

**B. THE BOOK OF COMMON PRAYER**

**1. The Standard Book.**

In the event that the Proposed Book of Common Prayer is adopted by General Convention, the following amendment should be adopted.

**Resolution # A—8**

*Resolved, the House of \_\_\_\_\_ 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.

**2. Lay Readers.**

In the event that the Proposed Book of Common Prayer is adopted by the General Convention as The Book of Common Prayer, the Canon on Lay Readers needs to be brought into conformity with the Rubrics of that Book.

**Resolution # A—9**

*Resolved, the House of \_\_\_\_\_ concurring, 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 ~~Clergyman~~ *member of the Clergy* in charge of the Parish, Congregation, or

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Mission in which he is serving, and, in all cases, to the direction of the Bishop. ~~He shall read only the following offices, or parts thereof, and shall observe the limitations specified:~~

- ~~(1) Morning and Evening Prayer, omitting the Absolution, and making no substitution for it;~~
- ~~(2) The Litany;~~
- ~~(3) The Penitential Office;~~
- ~~(4) The Offices of Instruction;~~
- ~~(5) In the Order for Holy Communion, The Epistle only;~~
- ~~(6) The Burial Offices, substituting for the priestly blessing the concluding prayer at the end of the Shorter Form for Family Prayer at Evening; substituting for the priestly blessing at the grave the final prayer at the end of the Shorter Form for Family Prayer at Morning; and substituting for the priestly blessing at the Burial of a Child the concluding prayer at the end of the Shorter Form for Family Prayer at Evening.~~

*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.

### 3. Bible Translations.

The Joint Commission received from the Standing Liturgical Commission a request to amend Title II, Canon 2 "Of Translations of the Bible" resulting from General Convention's first approval of the Proposed Book of Common Prayer and changes in the titles of one Translation of the Bible. We now submit the following Resolution:

#### Resolution # A-10

*Resolved, the House of \_\_\_\_\_ concurring, that Title II, Canon 2 be amended to read:*

*The Lessons ~~at Morning and Evening Prayer~~ prescribed in the Book of Common Prayer shall be read from the translation of the Holy Scriptures, commonly known as the King James or Authorized Version ~~(which is the Standard Bible of this Church)~~, together with the Marginal Readings authorized for use by the General Convention of 1901; or from one of the three translations known as Revised Versions including the English Revision of 1881, the American Revision of 1901, and the Revised Standard Version of 1952; from the Jerusalem Bible of 1966; from the New English Bible with the Apocrypha of 1970; or from the 1976 Good News Bible ~~in Today's Speech (1976)~~ (Today's English Version); or from The New American Bible (1970); or from The Revised Standard Version, an Ecumenical Edition, commonly known as the "R.S.V. Common Bible" (1973).*

### C. Archives.

The Church Historical Society, with the concurrence of the Registrar and Secretary of the General Convention, has requested the Joint Commission to submit the following amendments in regard to the Archives of the Church:

**Resolution # A—11**

*Resolved*, the House of \_\_\_\_\_ concurring, that Canon I.1.5(a) be amended to read as follows:

Sec. 5(a) The House of Deputies, upon the nomination of the House of Bishops, shall elect a Presbyter, to be known as the Registrar of the General Convention, whose duty it shall be to receive all Journals, files, papers, reports, and other documents or articles that are, or shall become, the property of either House of the General Convention, and to transmit the same to the Archives of the Church as prescribed by the Archivist, ~~to arrange, label, index, and put them in order, and to provide for the safe keeping of the same in some fire proof, accessible place of deposit, and to hold the same under such regulations as the General Convention may, from time to time, provide.~~

**Resolution # A—12**

*Resolved*, the House of \_\_\_\_\_ concurring, that a new Section 5 be added to Canon I.1 as follows, and that all subsequent sections be renumbered accordingly:

*Sec. 5. The General Convention shall designate a repository for its Archives, those of the Executive Council, and other historical records connected with the life and development of the Episcopal Church and shall provide financial support to arrange, label, index and put them in order, and to provide for the safe-keeping of the same in some fireproof, accessible place of deposit and to hold the same under such regulations as the General Convention may, from time to time, provide.*

**D. On Quorums.**

The Joint Commission believes that a general provision establishing the definition of a quorum and its competency to act should be added to Title V to apply to all bodies or situations not covered by specific canons. Therefore, we propose the following:

**Resolution # A—13**

*Resolved*, the House of \_\_\_\_\_ concurring, that Title V be amended to read:

*Canon 3, Sec. 1. Except where the Constitution or Canons of the General Convention provide to the contrary, a quorum of any body of the General Convention consisting of several members, the whole having been duly cited to meet, shall be a majority of said members; and a majority of the quorum so convened shall be competent to act.*

**E. “Colonies of Great Britain”.**

The reference in Title I, Canon 14, Sec. 1 to “colonies” and “dependencies” of Great Britain appears anachronistic. The Commission recommends the adoption of the following resolution:

**Resolution # A—14**

*Resolved*, the House of \_\_\_\_\_ concurring, that Title I, Canon 14, Sec. 1 be amended to read as follows:

It shall be lawful, under the conditions hereinafter stated, to organize a Congregation in any foreign land ~~other than Great Britain and Ireland, and the colonies and~~

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~~dependencies thereof~~ not within the jurisdiction of any Missionary Bishop of this Church *nor within any Diocese, Province, or Regional Church of the Anglican Communion.*

### F. Military Chaplains.

The reference in Title III, Canon 11, Sec. 9 to army and navy chaplains omits other branches of the service. The Commission recommends the adoption of the following resolution:

#### Resolution # A-15

*Resolved, the House of \_\_\_\_\_ concurring, that Title III, Canon 11, Sec. 9 be amended to read as follows:*

No Deacon shall be ordered Priest until he shall have been appointed to serve in some Parochial Cure within the jurisdiction of the Church, or as a Missionary under the Ecclesiastical Authority of some Diocese, or as an officer of some Missionary Society recognized by the General Convention, or as a Chaplain of the ~~Army or Navy~~ *Armed Forces of the United States . . . (the rest of the Section to remain unchanged).*

### G. Regulations Respecting Holy Matrimony.

In Title I, Canon 18, Sec. 3(c) there is ambiguity as to which Bishop is to be initially consulted when a minister of one diocese is to solemnize a marriage in another. The Commission recommends the adoption of the following resolution:

#### Resolution # A-16

*Resolved, the House of \_\_\_\_\_ concurring, that Title I, Canon 18, Sec. 3(c) be amended to read as follows:*

The Minister shall consult with and obtain the consent of *the Minister's* Bishop prior to, and shall report to ~~the~~ *that* Bishop, the solemnization of any marriage under this Section.

### H. Ministers of Other Churches.

Title III, Canon 13, as it now stands applies only to foreign bishops and foreign countries whereas the intent would seem to be for all ministers ordained by Bishops of other Churches in communion with this Church. The following amendment extends this application accordingly.

#### Resolution # A-17

*Resolved, the House of \_\_\_\_\_ concurring, that Title III, Canon 13 be amended to read as follows:*

Canon 13.

Of Ministers Ordained ~~in Foreign Countries~~ by Bishops of *other Churches* in communion with this Church.

Sec. 1(a). A Minister declaring himself to have been ordained beyond the limits of the ~~United States~~ by a foreign Bishop of *another Church* in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church under Article III of the Constitution shall, before he be permitted to officiate in any Parish or Congregation of this Church, exhibit to the Minister, or, if there be no

minister, to the Vestry thereof, a certificate of recent date, signed by the Ecclesiastical Authority of the Diocese that his letters of Holy Orders and other credentials are valid and authentic and given by a Bishop in communion with this Church, and whose authority is acknowledged by this Church, and also that he has exhibited to the said Ecclesiastical Authority satisfactory evidence of his moral and godly character and of his theological acquirements.

**I. Mental and Physical Examinations.**

The following amendments are intended to conform the language and intent of the several canons pertaining to mental and physical examinations required in the ordination process. In the case of Title III, Canon 13, Sec. 1(c), there is the further intention of extending the application in the same manner as proposed for Title III, Canon 13, Sec. 1 (a) above.

**Resolution # A—18**

*Resolved, the House of \_\_\_\_\_ concurring, Title III be amended to read as follows:*

Canon 10.

Sec. 3. Before the ordination of a Deacon the Bishop shall require the applicant to submit to a thorough examination, *covering both mental and physical condition, by a physician professionals appointed by the Bishop. This examination shall cover the man's mental and nervous as well as his physical condition.* The forms of *for* medical and *psychiatric* reports prepared by The Church Pension Fund shall be used for *this* these purposes. ~~This~~ These reports shall be kept on file by the Bishop and shall be submitted to the Standing Committee when application is made by the Candidate to be ordained Deacon.

**Resolution # A—19**

*Resolved, the House of \_\_\_\_\_ concurring, Title III be amended to read as follows:*

Canon 13.

Sec. 1(c). A Minister declaring himself to have been ordained ~~beyond the limits of the United States~~ by a ~~foreign~~ Bishop of *another Church* in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church, under Article III of the Constitution, shall not be accepted nor shall the Minister named therein be placed on the clergy list of this Church until such a Minister shall have submitted himself to, and satisfactorily passed, a thorough examination, *covering both mental and physical condition, by a physician professionals appointed by the Bishop. This examination shall cover the man's mental and nervous, as well as his physical condition.* The forms ~~of~~ *for* medical and *psychiatric* reports prepared by The Church Pension Fund shall be used for ~~this~~ these purposes.

**J. Disability of a Bishop.**

The Joint Commission recommends that the provisions dealing with a disabled Bishop are more correctly ordered under Title III, Canon 18, which applies to Duties of Bishops rather than under the Canon dealing with Standard Committees; and that ambiguities of language and interpretation are resolved by the proposed amendment.

**Resolution # A—20**

*Resolved, the House of \_\_\_\_\_ concurring, that Title I, Canon 11, Sec. 3 be deleted and a new Section 10 be added to Title III, Canon 18, to read as follows:*

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*Sec. 10. When it is certified to the Presiding Bishop by at least three competent physicans who shall have examined the case, that the Bishop of any Diocese is incapable of authorizing the Bishop Coadjutor, if there be one, or a Suffragan Bishop, if there be one, or the Standing Committee, to act as the Ecclesiastical Authority, then upon the advice of five Bishops of neighboring Dioceses, to be selected by the Presiding Bishop, the Bishop Coadjutor, if there be one, or a Suffragan Bishop, if there be one, and if the Constitution and Canons of the Diocese so provide, or the Standing Committee, shall be declared by the Presiding Bishop to be the Ecclesiastical Authority for all purposes set forth in these Canons, and shall retain such authority until such time as, acting upon a like certificate, the Presiding Bishop shall declare the said Bishop competent to perform official duties.*

### **K. Reports of Ministers.**

It is assumed that the intent of Title I, Canon 5, Sec. 1(4) is not to require separate reports from all Curates, Assistant Ministers, Canons, etc., and the following amendment would make this clear.

#### **Resolution # A—21**

*Resolved, the House of \_\_\_\_\_ concurring, Title I, Canon 5, Sec. 1(4) be amended to read:*

*(4) such other relevant information as is needed to secure an accurate view of the state of this Church, as required by the approved form. ~~And every minister not in charge of any Parish or Congregation~~ Every Minister whose report is not included in a parochial report shall also report his occasional services, and if there have been none, the causes or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.*

### **L. Recommendation of Postulants and Candidates.**

The following amendments are intended to conform the language and intent of the several Canons pertaining to recommendations required in the ordination process.

#### **Resolution # A—22**

*Resolved, the House of \_\_\_\_\_ concurring, that Title III, Canon 1, be amended to read:*

*Sec. 2. The Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop; Provided, the same are not inconsistent with the Canons of the General Convention and the Diocese. These rules may include the appointment of committees of the Commission (such as Selection, Examination, Interviewing and Continuing Education) to act on its behalf, with ultimate responsibility remaining with the Commission as a whole to ~~certify~~ recommend the applicant for admission as a Postulant or Candidate and for ordination to the Diaconate and to the Priesthood.*

#### **Resolution # A-23**

*Resolved, the House of \_\_\_\_\_ concurring, Title III, Canon 3, Sec. 2(d) be amended to read:*

*(d) He shall have received the ~~endorsement~~ recommendation in writing of the Standing Committee and the Commission on Ministry as to his readiness to be received as a Candidate for Holy Orders.*

**M. Dioceses, Missionary Dioceses, and The Convocation of the American Churches in Europe.**

The Commission was requested to explore the possibility of using a single term to include the above types of jurisdiction. We note that in most instances the term "Diocese" is applicable to Missionary Dioceses, and so defined would be preferable to any less familiar term. It is not so generally applicable to the Convocation of the American Churches in Europe, or to similar jurisdictions which might be formed in the future, but clearly is so in such matters as representation in the General Convention. This approach is already followed in Title V, Canon 2 (Constitution & Canons, p. 137), and would seem equally appropriate in the Constitution. The Commission therefore recommends the adoption of the following resolution:

**Resolution # A-24**

*Resolved, the House of \_\_\_\_\_ concurring, that the Constitution be amended as hereinafter provided, and that the same be made known to the several Dioceses and Missionary Dioceses, and to the Convocation of the American Churches in Europe, to wit:*

**(1) That a new Article of the Constitution, to be numbered Article XI, be adopted, to read as follows:**

*Whenever the term "Diocese" is used without qualification in this Constitution, it shall be understood to refer both to Dioceses and to Missionary Dioceses and also, wherever applicable, to all other jurisdictions entitled to representation in the House of Deputies of the General Convention.*

**(2) That the present Article XI be renumbered Article XII, and that the first paragraph thereof be amended to read as follows:**

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one regular meeting of the General Convention and by a resolve thereof be sent to the Secretary of the Convention of every Diocese, ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe~~ to be made known to the Diocesan Convention ~~or the Missionary Diocese Convocation or the Convocation of the American Churches in Europe~~ at its next meeting, and be adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all Dioceses ~~and of all Missionary Dioceses and the Convocation of the American Churches in Europe~~ entitled to representation in the House of Deputies, voting by orders, each having the vote provided for in Sec. 4 of Article I.

**(3) That Article I, Sec. 4 be amended by substituting for the first two paragraphs a new paragraph to read as follows:**

~~The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by not more than four Presbyters, canonically resident in the Diocese, and not more than four Lay Persons, communicants of this Church, having domicile in the Diocese, but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.~~

The Church in each Missionary Diocese beyond the territory of the United States of

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~~America, which shall have been established by the House of Bishops or by the Constitution, and the Convocation of the American Churches in Europe, shall each be entitled to representation in the House of Deputies equal to that of other Dioceses, subject to all the qualifications, and with all the rights, of Deputies, except as otherwise provided in this Constitution. Each such Missionary Diocese, and the Convocation of the American Churches in Europe, shall prescribe the manner in which its Deputies shall be chosen.~~

*The Church in each Diocese which has been admitted to union with the General Convention, and the Convocation of the American Churches in Europe, shall be entitled to representation in the House of Deputies by not more than four Presbyters, canonically resident in the Diocese, and not more than four Lay Persons, communicants of this Church in good standing in the Diocese but not necessarily domiciled in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese, and the Convocation of the American Churches in Europe, shall prescribe the manner in which its Deputies shall be chosen.*

NOTE: The reference to this Convocation of the American Churches of Europe is retained in the above paragraph as making explicit the right of this Convocation to representation. The language as to domicile of Lay Deputies is that of the amendment proposed at the 1976 Convention for action in 1979; (1976 Journal, p. C-75, Res. D-100).

**(4) That Article I, Sec. 4 be further amended by deleting in the fourth paragraph thereof the words "and Missionary Diocese".**

**(5) That Article II, Sec. 3 be amended to read as follows:**

A Bishop shall confine the exercise of his office to his own Diocese ~~or Missionary Diocese~~, unless he shall have been requested to perform episcopal acts in another Diocese ~~or Missionary Diocese~~ by the Ecclesiastical Authority thereof, or unless he shall have been authorized by the House of Bishops, or by the Presiding Bishop at its direction, to act temporarily in case of need within any territory not yet organized into Dioceses ~~or Missionary Dioceses~~ of this Church.

**(6) That the last sentence of Article II, Sec. 7, be amended to read:**

He shall be eligible as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese ~~or he may be elected by the House of Bishops as Bishop of a Missionary Diocese.~~

NOTE: The Canons now provide for election of Bishops of Missionary Dioceses otherwise than by the House of Bishops.

**(7) That Article II, Sec. 8 be amended by deleting the words "or Missionary Diocese" and the words "or may be elected by the House of Bishops as a Bishop of a Missionary Diocese".**

**(8) That Article II be amended by deleting the words "or Missionary Diocese".**

**(9) That Article VII be amended by deleting the words "and Missionary Diocese".**

**(10) That Article VII be amended by deleting the words "or Missionary Diocese".**

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**(11) That the first paragraph of Article X be amended to read as follows:**

The Book of Common Prayer and Administration of the Sacraments and other rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and the Articles of Religion, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses ~~and Missionary Dioceses, and in the Convocation of the American Churches in Europe~~ of this Church. No alteration thereof or addition thereto shall be made unless the same shall be first proposed in one regular meeting of the General Convention and by resolve thereof be sent within six months to the Secretary of the Convention of every Diocese, ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe . . .~~ (the rest of the paragraph to remain unchanged).

**(12) That the second paragraph of Article X be amended by deleting the words "and all the Missionary Dioceses, and the Convocation of the American Churches in Europe".**

In addition to the above constitutional amendments, but not dependent upon their adoption, the Commission recommends the adoption of the following resolution in order to remove inconsistencies with Title 5, Canon 2:

**Resolution # A-25**

*Resolved, the House of \_\_\_\_\_ concurring, that the Canons be amended as hereinafter provided, to wit:*

**(1) That Title III, Canon 9, Sec. 4 (c) be amended to read as follows:**

In the case of a vacancy in the episcopate in a Diocese ~~or Missionary Dioceses~~ the Ecclesiastical Authority may authorize and request the President of the Province, or another Bishop, to take order for an ordination.

**(2) That the first sentence of Title III, Canon 14, Sec. 2(a) be amended to read as follows:**

When a Bishop of a Diocese is unable, by reason of age, or other permanent cause of infirmity, or, *except in a Missionary Diocese*, by reason of the extent of Diocesan work, fully to discharge the duties of his office, a Bishop Coadjutor may be elected by and for said Diocese. . . . . (the rest of the sentence to remain unchanged).

NOTE: The above amendment to Title III, Canon 14, Sec. 2(a) is intended to insure consistency with Title III, Canon 15, Sec. 4, which does not provide for a Coadjutor for a Missionary Diocese for reason of extent of Diocesan work.

**(3) That Title III, Canon 16, Sec. 7(a) be amended by deleting the words "or Bishop of a Missionary Diocese" and the words "or Bishop of a Missionary Diocese as the case may be".**

**N. Miscellaneous.**

**1. Legal Citation for Church Pension Fund.**

Title I, Canon 7, Sec. 1 should be amended to complete the correct legal citation as to the establishment of The Church Pension Fund.

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### Resolution # A-26

*Resolved, the House of \_\_\_\_\_ concurring, Title I, Canon 7 be amended to read:*

Sec. 1. 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 establish and administer the clergy pension system, including life, accident, and health benefits, of this Church substantially in accordance with the principles adopted by the General Convention of 1913 and approved thereafter by the several Dioceses, with the view of providing for the clergy disabled by age or other infirmity and for the widows and minor children of deceased clergy.

### 2. Description of Title V.

The Joint Commission recommends that the description of Title V should be "General Provisions" rather than "Canonical Legislation" to reflect the broader coverage of this title.

### Resolution # A-27

*Resolved, the House of \_\_\_\_\_ concurring, that Title V be amended to read:*

TITLE V.

~~CANONICAL LEGISLATION~~ GENERAL PROVISIONS.

### 3. Corrected References.

The following Amendment corrects mis-citation arising from prior canonical revisions.

### Resolution # A-28

*Resolved, the House of \_\_\_\_\_ concurring, that Title III, Canon 12, Sec. 1(b) be amended to read:*

(b) with regard to the fulfillment of requirements as to pretheological education the provisions of Canon III.2, Sec. § 6 and Sec. § 7 shall be applicable. The applicant shall also submit to the examination required by Canon III.10, Sec. 3, the result of such examination to be filed and submitted as therein required.

### 4. Up-dating Canon I.4.1(c)

The effect of introductory phrase of Title I, Canon 4, Sec. 1.(c) has been accomplished by the passage of time and should be deleted.

### Resolution # A-29

*Resolved, the House of \_\_\_\_\_ concurring, that Title I, Canon 4, Sec. 1 be amended as follows:*

~~(c) Except as its membership may include additional persons elected prior to the adjournment of the meeting of the General Convention in 1976 for terms which have not expired, the~~ The Executive Council shall be composed (a) of twenty members elected by the General Convention, of whom four shall be Bishops, four shall be Presbyters or Deacons, and twelve shall be Lay Persons (two Bishops, two Presbyters or Deacons and six Lay Persons to be elected by each subsequent regular meeting of the General Convention); (b) of eighteen members elected by the Provincial Synods; and (c) of the following *ex officio* members; the Presiding Bishop and the

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President of the House of Deputies. Each Province shall be entitled to be represented by one Bishop or Presbyter or Deacon canonically resident in a Diocese which is a constituent member of the Province and by one Lay Person who is a communicant of a Diocese which is a constituent member of the Province, and the terms of the representatives of each Province shall be so rotated that two persons shall not be simultaneously elected for equal terms.

### 5. Removal of Canon I.4.10.

Title I, Canon 4, Sec. 10 is superfluous and potentially confusing, and should be deleted.

#### Resolution # A-30

*Resolved, the House of \_\_\_\_\_ concurring, that Title I, Canon 4, be amended as follows:*

~~Sec. 10. All Canons or parts of Canons inconsistent with the provisions of this Canon are hereby repealed.~~

### 6. Election of Assistant Ministers.

The present Sec. 5 of Title III, Canon 22, which addresses the election of Assistant Ministers is more appropriately ordered under the Canon dealing with the relationship of Ministers, rather than the Canon dealing with the filling of vacant cures.

#### Resolution # A-31

*Resolved, the House of \_\_\_\_\_ concurring, that Title III be amended by deleting Canon 22, Sec. 5 thereof and adding the identical language to Canon 20, Sec. 1 as (c) and by renumbering the succeeding subsection.*

## IV. FUTURE OF THE JOINT COMMISSION

The Standing Commission on Structure is recommending in its report that the Joint Commission on Constitution and Canons be continued and be given the status of a Standing Commission. We are grateful for this recommendation, and we are in full agreement with it. We hope that the General Convention will approve.

However, we are not in agreement with another recommendation of the Commission on Structure to the effect that the Commission on Constitution and Canons be given the authority to render advisory opinions on Constitutional and Canonical questions. In the first place, we do not believe that the Church desires at this time a body that would have even the appearance of being a final authority in Constitutional and Canonical matters other than the General Convention itself. Secondly, we would anticipate very serious practical problems in the Commission's attempts to assume such a responsibility. Many more meetings would be required, much additional time and expense would be involved in providing for a full hearing of all sides of an issue, and there would be little time left for the other duties already assigned to the Commission. This would be true even if only three or four such opinions were requested each year. This is not an authority that the Commission seeks, and we believe it would be unwise for the General Convention to confer it at this time.

In the hope, however, that the Commission itself will be continued, we are pleased to submit our Statement of Goals as requested by the Committee on Program, Budget, and Finance.

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### A. Charter/Task (From General Convention)

1. To review proposed changes in the Constitution and Canons and place them in proper form.
2. To conduct a continuing and comprehensive review of the Constitution and Canons with respect to internal consistency and clarity and propose technical amendments to achieve such consistency and clarity.
3. "To supervise and arrange for the editing, updating, publication, and sale of a revised, current edition of White and Dykman. (*Annotated Constitution and Canons*)
4. To respond when requested to makers of proposed changes in the Constitution and Canons on the substance of such proposals.

### B. Goals (For 1980-1982)

- I. Review and comment upon proposed changes received during the 1980-82 triennium.
- II. Complete a comprehensive review of the Constitution and Canons as amended by the 66th General Convention.
- III. Complete a supplementary volume of White & Dykman's *Annotated Constitution & Canons For the Government of the Episcopal Church in the United States of America* which is up-to-date as of the 65th General Convention (1976) and prepare materials for future supplements.
- IV. Respond to requests for comments from authors of proposed changes in the Constitution and Canons.

### C. Implementation of Goals (1980-1982)

#### Goals Nos. I, II, and IV

1. Hold five meetings of the Commission during the Triennium.
2. These tasks are clearly defined by the Commission at its first meeting.
3. Sub-Committees or individuals are assigned tasks to be completed by the next meeting.
4. Final report is developed for the General Convention at final meeting.

#### Goal No. III

1. The sub-committee already appointed will continue to work with the researchers and make periodic progress reports to the Commission.
2. The sub-committee will continue to work with the publishers with periodic reports to the Commission until publication is accomplished.
3. All members will continue to work to secure the funds and assistance necessary to complete the task.
4. Present the up-dated revision of White and Dykman to the Church.

### D. Measurement of Goals

1. Compare the results of the sub-committee work with the clearly defined task.
2. Compare actual date of availability of White and Dykman with timetable set in Goal #3.

### E. Cost/Time

See the Commission's Proposed Budget for 1980-82.

## V. FINANCES

### A. Financial Report, 1977-1979.

It should be noted that due to the small appropriation with which the Commission was working, parishes and individuals serving as hosts for the three meetings of the Commission absorbed the cost of housing and meals for most of its members. Members not availing themselves of such hospitality bore the additional expense themselves. Only travel costs were reimbursed. In addition, several members absorbed the cost of such things as Xeroxing, telephone calls, postage, etc., all of which could be considered as "receipts" if there were any accurate record of such.

Receipts through 2/28/79:

	1977	1978	1979	Total
Special Grant from Program, Budget & Finance . . . . .	\$1,984.52	\$2,050.00	\$3,350.00	\$ 7,384.52
Miscellaneous Refund . . . . .		107.38		107.38
	<u>\$1,984.52</u>	<u>\$2,157.38</u>	<u>\$3,350.00</u>	<u>\$ 7,491.90</u>

Funds for White & Dykman Project.

Miscellaneous Contributions . . . . .	\$ 3,325.00
Mercer Trustees Matching Funds . . . . .	3,325.00
Church Hymnal Corp. - Research . . . . .	4,077.60
	<u>\$10,727.60</u>

Expenditures through 2/28/79:

	1977	1978	1979	Total
Travel Expenses, Meetings . . . . .	\$1,842.47	\$2,050.00	\$1,918.50	\$ 5,810.97
Supplies, Xeroxing, and other services . . . . .	142.05	107.38		249.43
Estimated Additional Expendi- tures through 12/31/79 . . . . .			1,431.50	1,431.50
	<u>\$1,984.52</u>	<u>\$2,157.38</u>	<u>\$3,350.00</u>	<u>\$ 7,491.90</u>

White & Dykman Project:

Researchers . . . . .	\$ 4,077.60
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**Resolution #A—32**

*Resolved*, the House of \_\_\_\_\_ concurring, that the sum of \$21,750.00 be appropriated for the work of the Joint Commission on Constitution and Canons during the next triennium.

**B. PROPOSED BUDGET FOR 1980-1982**

	1980	1981	1982	Total
Meetings .....	\$7,800.00	\$7,800.00	\$3,900.00	\$19,500.00
Materials, Telephone, etc. ....	500.00	500.00	750.00	1,750.00
Sub-committee Meeting. ....		500.00		500.00
	<u>\$8,300.00</u>	<u>\$8,800.00</u>	<u>\$4,650.00</u>	<u>\$21,750.00</u>

**White and Dykman Project:**

	1980	1981	1982	Total
Editing, Updating and Publication		\$15,000.00		\$15,000.00

(See Resolution #A—3, *infra*)

**VI. CONCERNING THE CHURCH PENSION FUND**

**Resolution #A—115**

**Resolved, the House of \_\_\_\_\_ concurring, That the following words be amended in Sec. 1 and Sec. 5, Canon 7, Title I Of The Church Pension Fund (Pages 32 and 33) as follows:**

Sec. 1. The Church Pension Fund, a corporation created by Chapter 97 of the Laws of the State of New York as subsequently amended, is hereby authorized to establish and administer the clergy pension system, including life, accident, and health benefits, of this Church substantially in accordance with the principles adopted by the General Convention of 1913 and approved thereafter by the several Dioceses, with the view of providing for the Clergy disabled by age or other infirmity and for the widows *wives* and minor children of deceased clergy.

Sec. 5. To every clergyman *Member of the Clergy*, 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 widow's *wives'* and minor orphans' allowances related thereto. In the case of a clergyman *Members of the Clergy* 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 *their* retiring allowance and the allowance of the other conditions of this Canon, at a rate consistent with proper actuarial practice, . . . (*et cetera to the end of Sec. 5 as is*).