

Legislative Council.

24<sup>o</sup> VICTORIÆ, 1861.

## A BILL

*(As amended in Committee of the Whole)*

To enable the Members of the United\* Church of England and Ireland in New South Wales to regulate the affairs of the said Church and to authorize the holding of Synods of the same Church in this Colony.

**W**HEREAS it is expedient to provide for the regulation and management of the affairs of the United Church of England and Ireland in New South Wales and to authorize the holding of Synods of the same Church in this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the Members of the United Church of England and Ireland in any Diocese now or at any time hereafter existing within the Colony to meet in Synod as herein provided.

2. The first Synod shall be convened and holden in any Diocese within six months after the passing of this Act and in every future Diocese within twelve months after the formation of such Diocese and such first Synod and all subsequent Synods shall be convened within the periods and in the manner hereinafter provided save in so far as the same may be altered by any Synod acting under the powers hereinafter in that behalf given And the Synod shall be convened and holden once in every year by summons in writing under the hand and seal of the Bishop stating the time and place of meeting And the Bishop or in his absence a Commissary appointed by him in writing shall be President of the Synod and may adjourn prorogue and dissolve the same with the concurrence of the Synod Provided always that a new Synod shall be elected and convened at least once in every three years And it shall not be lawful for the President to vote on any question or matter arising in the Synod except such as shall relate to matters of temporal concern only.



Powers of Synod  
generally.

3. The Synod shall have power to make Rules for the conduct of all business coming before it and save as hereinafter provided to make Ordinances for the management and disposal of all Church property moneys and revenues which are now or in pursuance of this Act may hereafter be vested in any Bishop as herein provided and for the election 5 or appointment of Churchwardens and Lay Trustees and generally for the order and good government of the United Church of England and Ireland in New South Wales and the regulation of its affairs as well within the Diocese as the several Parishes thereof any provision in the Act of Council eight William Fourth number five or the Act twenty-one Victoria number 10 four passed for amending the same in any such case notwithstanding and such Rules and Ordinances shall be binding on the Bishop and his Successors and all other Members of the Church residing within the Diocese and on none other and on such Members only so far as the same may concern their respective rights duties and liabilities as holding any 15 office in the Church within the Diocese.

Bishop may be ap-  
pointed Trustee of  
Church Property  
subject to Ordinances  
of Synod.

4. In all cases where a power exists to elect or appoint any Trustee of any Church property moneys or revenues it shall be lawful for the person entitled to make such election or appointment to elect or appoint the Bishop of the Diocese as such Trustee and such Bishop and his 20 successors shall thereupon in his and their corporate capacity hold such property upon trust and to the intent that the same shall be subject to such Ordinances as the Synod shall make for the management and disposal thereof Provided that the Synod shall in no case whatever have power to divert or interfere with property specifically appropriated or the 25 subject of any specific trust or have power to interfere with any vested rights.

Proviso.

Mode of voting and  
quorum.

5. Every Rule and Ordinance of the Synod shall be made by a majority of the Clergy and Representative Members of the Synod voting by Orders and the presence of not less than ten Clerical and twenty 30 Representative Members shall be necessary to constitute a Quorum Provided that in every case unless five Members of the Synod shall on any question being put desire that the votes be taken by Orders the votes of the Clergy and Representative Members shall be taken collectively and the majority thereupon declared be deemed to be the majority of both 35 Orders Provided that no such Rule or Ordinance except such as shall relate to matters of temporal concern only shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto Provided also that any such Rule or Ordinance requiring the Bishop's assent and to which he 40 shall not assent may be the subject of reference to any Provincial Synod which may be holden as hereinafter provided and such Provincial Synod shall have power to determine the same.

Power of Synod to  
alter Constitution  
&c.

6. It shall be lawful for the Synod to make Rules for trying the validity of the election of any Representative and for supplying any 45 vacancies in the Synod which may be occasioned by death resignation or any other cause and for altering the periods within which and the manner in which subsequent Synods shall be convened and the mode of electing Representative Members and for restricting the number of the Clergy and Representative Members to be respectively summoned to any future 50 Synod and as to the manner in which such restriction shall be effected Provided that the number of Representative Members to be summoned to any such future Synod shall not be more than thrice nor less than twice the number of Clergy to be summoned and provided that the declarations imposed by this Act and no other shall be required either from Members 55 of the Church voting at the election of Representatives or from such Representatives when elected.

Synod may call for  
accounts.

7. The Synod shall have power to call upon any person holding property belonging to the Church in the Diocese or in which the Church is



is in any manner interested to render a full account of all such property and of the manner in which the same and every part thereof is applied and disposed of And in all cases in which any action suit or proceeding shall be necessary in respect of any such property the Synod may sue and  
5 be sued in the name of the Bishop.

8. Whenever the Bishop shall convene the first Synod he shall summon thereto each Clergyman licensed to a separate cure of souls within his Diocese and the Representatives elected as hereinafter provided And for electing such Representatives the Bishop shall require each  
10 Clergyman licensed as aforesaid to summon a Meeting of the Members of the Church of the age of twenty-one years being males and occupiers of seats in his Church or residents within his District at such time within limits which may be prescribed by the Bishop and at such place within the Parish or District as to such Clergyman may seem convenient and  
15 every Member so summoned shall be entitled to vote at such election but the Clergyman summoning the Meeting shall not be entitled to vote at such election save to give a casting vote.

9. The Clergyman if present shall act as Chairman of the said Meeting and so soon as six persons at the least are assembled the Meeting  
20 shall proceed to business and the Chairman shall cause a list to be made of those who are present and add thereto the names of any who subsequently attend before the proceedings are closed and the Chairman shall cause minutes to be taken of the proceedings of the Meeting And every Member of the Church shall before taking part in or voting at such  
25 meeting sign the following Declaration:—

“I the undersigned A B do declare that I am a Member of the United Church of England and Ireland.”

10. Every such Meeting shall choose as Representatives two male persons of the age of twenty-one years each such person being a Commu-  
30 nicant of the Church and not being a Clergyman licensed to a separate cure of souls and if more than fifty persons shall attend and vote it shall be lawful for such Meeting to elect one such additional Representative but no District shall elect more than three Representatives.

11. In case at any such Meeting the persons proposed for election exceed the number which the Meeting is authorized to elect the Chairman  
35 shall take in writing the votes of the qualified persons present each of whom may give one vote for such persons proposed as he may think fit but not exceeding the number to be elected and the Chairman shall declare the number of votes given for each person and where the votes for two or  
40 more are equal the Chairman may give a casting vote in favor of either one or more of such persons as the case may require.

12. The Chairman shall cause to be delivered to each person elected a Certificate of his election and shall sign the minutes of the Meeting in token of their correctness and shall forward them to the  
45 Bishop together with all certificates subscriptions and lists which have been laid before the said Meeting and a certificate of the names callings and addresses of the persons chosen to be laid before the Synod at the opening thereof.

13. If the Cure be vacant or the Clergyman be absent or unable from any other cause to act the Bishop shall appoint a person to perform  
50 all the functions devolving on such Clergyman under any of the five preceding sections of this Act.

14. The Warden of St. Paul's College within the University of Sydney shall always be summoned to the Synod for the Diocese of Sydney  
55 as a Clerical Member thereof and two other Members of the Church to be elected by the Council of the said College from amongst themselves shall likewise always be summoned to such Synod as Representative Members thereof and the said Warden shall cause to be delivered to each such other Member of the said Council so elected and shall also forward to the Bishop  
60 a certificate of such election.



Defects and errors as to elections &c. not to vitiate proceedings of Synod.

15. No Rule or Ordinance of the Synod nor anything done under this Act shall be vitiated by reason of the non-election of any Representative or of the non-summoning of any person entitled to be summoned thereto or of any informality in or respecting any such election or summoning.

Declaration to be made.

16. Each Representative shall before taking part in or voting at the Synod sign and deliver to the President the following Declaration:—

“I the undersigned A B do declare that I am a Communicant of the United Church of England and Ireland.”

Synod may establish a Tribunal.

17. The Synod shall have power to establish a Tribunal for the trial of offences by Clergymen licensed by the Bishop within the Diocese as well those involving breaches of discipline as questions of doctrine and the ritual of the Church and may frame Rules and Ordinances for the initiation and conduct of trials before and the mode of proceeding and of pronouncing sentence by such Tribunal. And every Witness who shall appear before such Tribunal may be examined on oath and no sentence shall be pronounced by such Tribunal other than that of suspension or deprivation of license or office and of the rights and emoluments thereto appertaining and the said Synod shall appoint a Barrister-at-law of not less than five years standing to be a Member of such Tribunal. Provided that in every case involving a question of doctrine or the ritual of the Church such Tribunal shall with the exception of the said Barrister-at-law be entirely composed of Clergymen and the President of such Tribunal who shall be appointed by the Synod shall in no case have any other than a casting vote and there shall be the same right of appeal from the decisions of such Tribunal to Her Majesty in Council or to the Archbishop of Canterbury or the Metropolitan Bishop of Australia as now exists from the decisions of the Bishop of the Diocese.

Limitation of sentence.

Proviso.

President of Tribunal.

Clergyman's License when to be withdrawn.

18. The License of a Clergyman shall not be withdrawn cancelled or revoked unless at his own request or as the consequence of a sentence pronounced under the provisions of this Act or by some other Court of competent Jurisdiction. Provided that until a Tribunal shall have been established as hereinbefore mentioned nothing in this Act shall affect any of the powers now vested in the Bishop.

Provincial Synod may be held.

19. So soon as there shall be three Dioceses within the Colony each having a Diocesan Synod under the provisions hereof it shall be lawful for the Members of the said Church in the said Colony to meet in Provincial Synod as herein provided.

Time of holding Provincial Synod.

20. The first Provincial Synod shall be convened and holden within eighteen months after a third Diocese shall be formed within the Colony having a Diocesan Synod under the provisions hereof and such first Provincial Synod and all subsequent Provincial Synods shall be convened in the manner hereinafter provided save in so far as the same may be altered by any Provincial Synod acting under the powers hereinafter in that behalf given. And such Provincial Synod shall be convened and holden once in every three years. And for the purpose of holding such Provincial Synod the Bishop of Sydney as the Metropolitan Bishop of Australia shall by writing under his hand and seal summon the Bishop of each Diocese within the Colony having a Diocesan Synod under the provisions hereof and require each such Bishop to convene the Members of the Synod of his Diocese or their Representatives at such time and place as the said Bishop of Sydney may deem fit and the Metropolitan and other Bishops attending such Synod shall sit and vote as one House. And the Members of the said Diocesan Synods or their Representatives shall sit and vote as another House and the Bishop of Sydney as such Metropolitan as aforesaid or in his absence such one of the other Bishops of Australia within the Colony as he may appoint his Commissary under his hand and seal for that purpose shall be President of the said House of Bishops and the Members of the House representing the Diocesan Synods

House of Bishops.

House of Representatives of Diocesan Synods.

President of House of Bishops.



Synods shall before otherwise proceeding to business elect one of themselves to be President thereof And the President of the said House of Bishops may with the concurrence of both Houses of the said Provincial Synod prorogue and dissolve the same And it shall be lawful for the President of each House to vote on any question or matter arising therein and each such President shall in case of an equality of votes have also a casting vote.

President of House of Representatives of Diocesan Synods.

21. Each House of the Provincial Synod shall have power to make Rules for the conduct of all business coming before it And the House representing the Diocesan Synods shall also have power to make Rules for trying the validity of the election or appointment of any person claiming to be a Member thereof and for supplying any vacancy therein which may be occasioned by death resignation or any other cause.

Power to make rules.

22. The Provincial Synod shall have power to make Ordinances and determinations upon all matters and things concerning the affairs of the United Church of England and Ireland in the Colony Any provision in the said Act of Council eighth William Fourth number five or the said Act twenty-one Victoria number four passed for amending the same or any Ordinance of any Diocesan Synod in any such case notwithstanding And all Ordinances and determinations of such Provincial Synod shall be binding on the Bishops of Australia and their successors and all other Members of the Church within the Colony and on none others and on such Members only so far as the same may concern their respective rights duties and liabilities as holding any office in the Church within the Colony.

Power of Provincial Synod generally.

23. Every Ordinance or other determination of the Provincial Synod shall be made by a majority of both Houses thereof and in every division of the House representing the Diocesan Synods the voting shall be by Dioceses and no vote shall be taken as the vote of any Diocese unless assented to by a majority both of the Clergy and of the Representative Members present and representing such Diocese and the presence of three Members of the House of Bishops shall be necessary to form a quorum therein and the presence of the Members or Representatives of three Diocesan Synods shall be necessary to form a quorum in the House representing the Diocesan Synods Provided that each Diocesan Synod shall be deemed present or duly represented if three Clerical and six Representative Members of such Diocesan Synod be present.

Mode of voting and quorum.

24. It shall be lawful for the Provincial Synod to make Rules for altering the manner in which subsequent Provincial Synods shall be convened and the mode of electing or otherwise appointing Members of the House representing the Diocesan Synods and for restricting the number of Clergy and Representative Members to be respectively summoned to any future Provincial Synod as Members of the House representing Diocesan Synods therein and the manner in which such restriction shall be effected Provided that the number of Representative Members of the House representing the Diocesan Synods shall never be more than thrice nor less than twice the number of Clerical Members thereof.

Power of Provincial Synod to alter Constitution.

25. No Ordinance or determination of the Provincial Synod nor any Rule thereof or of either House thereof shall be vitiated by reason of the non-election or non-appointment or non-summoning of any person necessary to be elected or appointed or summoned thereto respectively or of any informality in or respecting any such election appointment or summoning.

Defects and errors as to elections &c. not to vitiate proceedings of Provincial Synod.

26. No Rule or Ordinance of any such Diocesan or Provincial Synod shall make any alteration in the Articles Liturgy or formularies of the said Church except in conformity with any alteration which may be made therein by any competent authority of the United Church of England and Ireland in the United Kingdom.

Prohibition in respect to alterations of Church Doctrines and Liturgy.



Ordinances to be transmitted to Archbishop of Canterbury and laid before Her Majesty.

27. A copy of all Ordinances passed by any such Provincial Synod shall be sent by the Bishop of Sydney as the Metropolitan Bishop of the Province and a copy of all Ordinances passed by any such Diocesan Synod shall be sent by the Bishop of the Diocese to the Archbishop of Canterbury to be submitted for the consideration of Her Majesty in Council And 5 Her Majesty by the advice of Her Privy Council may allow or disallow the same as to Her Majesty shall seem fit And a notification of such allowance or disallowance of all such Ordinances allowed or disallowed when communicated by the Archbishop to the said Metropolitan or other Bishop shall by him be forthwith published. 10

Acts done under disallowed Ordinances.

28. Any Ordinance disallowed by Her Majesty shall after the publication of such disallowance cease to be in force but anything done under such Ordinance before such publication shall have the same validity as if such Ordinance had been allowed.

Death &c. of Bishop.

29. In case of the absence from the Colony of any Bishop the 15 powers by this Act vested in him may be exercised by a Commissary appointed by him and in case no such Commissary shall have been appointed or the See shall be vacant such powers may be exercised by the person who shall then be the next in Ecclesiastical rank or degree in the Diocese and resident therein until the return of the Bishop or the assumption of 20 office by his successor.

Royal Prerogative not interfered with.

30. Nothing herein contained shall affect the right of Her Majesty to appoint any Metropolitan or other Bishop of the United Church of England and Ireland in New South Wales or shall affect any other right or prerogative of Her Majesty save so far only as the same may be expressly affected by this Act.



Legislative Council.

24<sup>o</sup> VICTORIÆ, 1861.

## A BILL

(As amended [on Recommittal] in Committee of the Whole)

To enable the Members of the United Church of England and Ireland in New South Wales to regulate the affairs of the said Church and to authorize the holding of Synods of the same Church in this Colony.

- W**HEREAS it is expedient to provide for the regulation and management of the affairs of the United Church of England and Ireland in New South Wales and to authorize the holding of Synods of the same Church in this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—
1. It shall be lawful for the Members of the United Church of England and Ireland in any Diocese now or at any time hereafter existing within the Colony to meet in Synod as herein provided.
2. The first Synod shall be convened and holden in any Diocese within six months after the passing of this Act and in every future Diocese within twelve months after the formation of such Diocese and such first Synod and all subsequent Synods shall be convened within the periods and in the manner hereinafter provided save in so far as the same may be altered by any Synod acting under the powers hereinafter in that behalf given And the Synod shall be convened and holden once in every year by summons in writing under the hand and seal of the Bishop stating the time and place of meeting And the Bishop or in his absence a Commissary appointed by him in writing shall be President of the Synod and may adjourn prorogue and dissolve the same with the concurrence of the Synod Provided always that a new Synod shall be elected and convened at least once in every three years And it shall not be lawful for the President to vote on any question or matter arising in the Synod except such as shall relate to matters of temporal concern only.

Preamble.

Synod may be held.

President and time of holding.



Powers of Synod generally.

3. The Synod shall have power to make Rules for the conduct of all business coming before it and save as hereinafter provided to make Ordinances for the management and disposal of all Church property moneys and revenues which are now or in pursuance of this Act may hereafter be vested in any Bishop as herein provided and for the election 5 or appointment of Churchwardens and Lay Trustees and generally for the order and good government of the United Church of England and Ireland in New South Wales and the regulation of its affairs within the Diocese any provision in the Act of Council eight William Fourth number five or the Act twenty-one Victoria number four passed 10 for amending the same in any such case notwithstanding and such Rules and Ordinances shall be binding on the Bishop and his Successors and all other Members of the Church residing within the Diocese and on none other and on such Members only so far as the same may concern their respective rights duties and liabilities as holding any 15 office in the Church within the Diocese.

Bishop may be appointed Trustee of Church Property subject to Ordinances of Synod.

4. In all cases where a power exists to elect or appoint any Trustee of any Church property moneys or revenues it shall be lawful for the person entitled to make such election or appointment to elect or appoint the Bishop of the Diocese as such Trustee and such Bishop and his 20 successors shall thereupon in his and their corporate capacity hold such property upon trust and to the intent that the same shall be subject to such Ordinances as the Synod shall make for the management and disposal thereof Provided that the Synod shall in no case whatever have power to divert or interfere with property specifically appropriated or the 25 subject of any specific trust or have power to interfere with any vested rights.

Proviso.

Mode of voting and quorum.

5. Every Rule and Ordinance of the Synod shall be made by a majority of the Clergy and Representative Members of the Synod voting by Orders and the presence of not less than ten Clerical and twenty 30 Representative Members shall be necessary to constitute a Quorum Provided that in every case unless five Members of the Synod shall on any question being put desire that the votes be taken by Orders the votes of the Clergy and Representative Members shall be taken collectively and the majority thereupon declared be deemed to be the majority of both 35 Orders Provided that no such Rule or Ordinance except such as shall relate to matters of temporal concern only shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto Provided also that any such Rule or Ordinance requiring the Bishop's assent and to which he 40 shall not assent may be the subject of reference to any Provincial Synod which may be holden as hereinafter provided and such Provincial Synod shall have power to determine the same.

Power of Synod to alter Constitution &c.

6. It shall be lawful for the Synod to make Rules for trying the validity of the election of any Representative and for supplying any 45 vacancies in the Synod which may be occasioned by death resignation or any other cause and for altering the periods within which and the manner in which subsequent Synods shall be convened and the mode of electing Representative Members and for restricting the number of the Clergy and Representative Members to be respectively summoned to any future 50 Synod and as to the manner in which such restriction shall be effected Provided that the number of Representative Members to be summoned to any such future Synod shall not be more than thrice nor less than twice the number of Clergy to be summoned and provided that the declarations imposed by this Act and no other shall be required either from Members 55 of the Church voting at the election of Representatives or from such Representatives when elected.

Synod may call for accounts.

7. The Synod shall have power to call upon any person holding property belonging to the Church in the Diocese or in which the Church is



is in any manner interested to render a full account of all such property and of the manner in which the same and every part thereof is applied and disposed of And in all cases in which any action suit or proceeding shall be necessary in respect of any such property the Synod may sue and be sued in the name of the Bishop.

8. Whenever the Bishop shall convene the first Synod he shall summon thereto each Clergyman licensed to a separate cure of souls within his Diocese and the Representatives elected as hereinafter provided And for electing such Representatives the Bishop shall require each Clergyman licensed as aforesaid to summon a Meeting of the Members of the Church of the age of twenty-one years being males and occupiers of seats in his Church or residents within his District at such time within limits which may be prescribed by the Bishop and at such place within the District as to such Clergyman may seem convenient and every Member so summoned shall be entitled to vote at such election but the Clergyman summoning the Meeting shall not be entitled to vote at such election save to give a casting vote.

9. The Clergyman if present shall act as Chairman of the said Meeting and so soon as six persons at the least are assembled the Meeting shall proceed to business and the Chairman shall cause a list to be made of those who are present and add thereto the names of any who subsequently attend before the proceedings are closed and the Chairman shall cause minutes to be taken of the proceedings of the Meeting And every Member of the Church shall before taking part in or voting at such meeting sign the following Declaration:—

“I the undersigned A B do declare that I am a Member of the United Church of England and Ireland.”

10. Every such Meeting shall choose as Representatives two male persons of the age of twenty-one years each such person being a Communicant of the Church and not being a Clergyman licensed to a separate cure of souls and if more than fifty persons shall attend and vote it shall be lawful for such Meeting to elect one such additional Representative but no District shall elect more than three Representatives.

11. In case at any such Meeting the persons proposed for election exceed the number which the Meeting is authorized to elect the Chairman shall take in writing the votes of the qualified persons present each of whom may give one vote for such persons proposed as he may think fit but not exceeding the number to be elected and the Chairman shall declare the number of votes given for each person and where the votes for two or more are equal the Chairman may give a casting vote in favor of either one or more of such persons as the case may require.

12. The Chairman shall cause to be delivered to each person elected a Certificate of his election and shall sign the minutes of the Meeting in token of their correctness and shall forward them to the Bishop together with all certificates subscriptions and lists which have been laid before the said Meeting and a certificate of the names callings and addresses of the persons chosen to be laid before the Synod at the opening thereof.

13. If the Cure be vacant or the Clergyman be absent or unable from any other cause to act the Bishop shall appoint a person to perform all the functions devolving on such Clergyman under any of the five preceding sections of this Act.

14. The Warden of St. Paul's College within the University of Sydney shall always be summoned to the Synod for the Diocese of Sydney as a Clerical Member thereof and two other Members of the Church to be elected by the Council of the said College from amongst themselves shall likewise always be summoned to such Synod as Representative Members thereof and the said Warden shall cause to be delivered to each such other Member of the said Council so elected and shall also forward to the Bishop a certificate of such election.



Defects and errors as to elections &c. not to vitiate proceedings of Synod.

Declaration to be made.

Synod may establish a Tribunal.

Limitation of sentence.

Proviso.

President of Tribunal.

Clergyman's License when to be withdrawn.

Provincial Synod may be held.

Time of holding Provincial Synod.

House of Bishops.

House of Representatives of Diocesan Synods.

President of House of Bishops.

15. No Rule or Ordinance of the Synod nor anything done under this Act shall be vitiated by reason of the non-election of any Representative or of the non-summoning of any person entitled to be summoned thereto or of any informality in or respecting any such election or summoning.

16. Each Representative shall before taking part in or voting at the Synod sign and deliver to the President the following Declaration:—

"I the undersigned A B do declare that I am a Communicant of the United Church of England and Ireland."

17. The Synod shall have power to establish a Tribunal for the trial of offences by Clergymen licensed by the Bishop within the Diocese as well those involving breaches of discipline as questions of doctrine and the ritual of the Church and may frame Rules and Ordinances for the initiation and conduct of trials before and the mode of proceeding and of pronouncing sentence by such Tribunal And every Witness who shall appear before such Tribunal may be examined on oath and no sentence shall be pronounced by such Tribunal other than that of suspension or deprivation of license or office and of the rights and emoluments thereto appertaining and the said Synod shall appoint a Barrister-at-law of not less than five years standing to be a Member of such Tribunal Provided that in every case involving a question of doctrine or the ritual of the Church such Tribunal shall with the exception of the said Barrister-at-law be entirely composed of Clergymen and the President of such Tribunal who shall be appointed by the Synod shall in no case have any other than a casting vote and there shall be the same right of appeal from the decisions of such Tribunal to Her Majesty in Council or to the Archbishop of Canterbury or the Metropolitan Bishop of Australia as now exists from the decisions of the Bishop of the Diocese.

18. The License of a Clergyman shall not be withdrawn cancelled or revoked unless at his own request or as the consequence of a sentence pronounced under the provisions of this Act or by some other Court of competent Jurisdiction Provided that until a Tribunal shall have been established as hereinbefore mentioned nothing in this Act shall affect any of the powers now vested in the Bishop.

19. So soon as there shall be three Dioceses within the Colony each having a Diocesan Synod under the provisions hereof it shall be lawful for the Members of the said Church in the said Colony to meet in Provincial Synod as herein provided.

20. The first Provincial Synod shall be convened and holden within eighteen months after a third Diocese shall be formed within the Colony having a Diocesan Synod under the provisions hereof and such first Provincial Synod and all subsequent Provincial Synods shall be convened in the manner hereinafter provided save in so far as the same may be altered by any Provincial Synod acting under the powers herein-after in that behalf given And such Provincial Synod shall be convened and holden once in every three years And for the purpose of holding such Provincial Synod the Bishop of Sydney as the Metropolitan Bishop of Australia shall by writing under his hand and seal summon the Bishop of each Diocese within the Colony having a Diocesan Synod under the provisions hereof and require each such Bishop to convene the Members of the Synod of his Diocese or their Representatives at such time and place as the said Bishop of Sydney may deem fit and the Metropolitan and other Bishops attending such Synod shall sit and vote as one House And the Members of the said Diocesan Synods or their Representatives shall sit and vote as another House and the Bishop of Sydney as such Metropolitan as aforesaid or in his absence such one of the other Bishops of Australia within the Colony as he may appoint his Commissary under his hand and seal for that purpose shall be President of the said House of Bishops and the Members of the House representing the Diocesan Synods



Synods shall before otherwise proceeding to business elect one of themselves to be President thereof And the President of the said House of Bishops may with the concurrence of both Houses of the said Provincial Synod prorogue and dissolve the same And it shall be lawful for the President of each House to vote on any question or matter arising therein and each such President shall in case of an equality of votes have also a casting vote.

President of House of Representatives of Diocesan Synods.

21. Each House of the Provincial Synod shall have power to make Rules for the conduct of all business coming before it And the House representing the Diocesan Synods shall also have power to make Rules for trying the validity of the election or appointment of any person claiming to be a Member thereof and for supplying any vacancy therein which may be occasioned by death resignation or any other cause.

Power to make rules.

22. The Provincial Synod shall have power to make Ordinances and determinations upon all matters and things concerning the affairs of the United Church of England and Ireland in the Colony Any provision in the said Act of Council eighth William Fourth number five or the said Act twenty-one Victoria number four passed for amending the same or any Ordinance of any Diocesan Synod in any such case notwithstanding And all Ordinances and determinations of such Provincial Synod shall be binding on the Bishops of Australia and their successors and all other Members of the Church within the Colony and on none others and on such Members only so far as the same may concern their respective rights duties and liabilities as holding any office in the Church within the Colony.

Power of Provincial Synod generally.

23. Every Ordinance or other determination of the Provincial Synod shall be made by a majority of both Houses thereof and in every division of the House representing the Diocesan Synods the voting shall be by Dioceses and no vote shall be taken as the vote of any Diocese unless assented to by a majority both of the Clergy and of the Representative Members present and representing such Diocese and the presence of three Members of the House of Bishops shall be necessary to form a quorum therein and the presence of the Members or Representatives of three Diocesan Synods shall be necessary to form a quorum in the House representing the Diocesan Synods Provided that each Diocesan Synod shall be deemed present or duly represented if three Clerical and six Representative Members of such Diocesan Synod be present.

Mode of voting and quorum.

24. It shall be lawful for the Provincial Synod to make Rules for altering the manner in which subsequent Provincial Synods shall be convened and the mode of electing or otherwise appointing Members of the House representing the Diocesan Synods and for restricting the number of Clergy and Representative Members to be respectively summoned to any future Provincial Synod as Members of the House representing Diocesan Synods therein and the manner in which such restriction shall be effected Provided that the number of Representative Members of the House representing the Diocesan Synods shall never be more than thrice nor less than twice the number of Clerical Members thereof.

Power of Provincial Synod to alter Constitution.

25. No Ordinance or determination of the Provincial Synod nor any Rule thereof or of either House thereof shall be vitiated by reason of the non-election or non-appointment or non-summoning of any person necessary to be elected or appointed or summoned thereto respectively or of any informality in or respecting any such election appointment or summoning.

Defects and errors as to elections &c. not to vitiate proceedings of Provincial Synod.

26. No Rule or Ordinance of any such Diocesan or Provincial Synod shall make any alteration in the Articles Liturgy or formularies of the said Church except in conformity with any alteration which may be made therein by any competent authority of the United Church of England and Ireland in the United Kingdom.

Prohibition in respect to alterations of Church Doctrines and Liturgy.



Ordinances to be transmitted to Archbishop of Canterbury and laid before Her Majesty.

27. A copy of all Ordinances passed by any such Provincial Synod shall be sent by the Bishop of Sydney as the Metropolitan Bishop of the Province and a copy of all Ordinances passed by any such Diocesan Synod shall be sent by the Bishop of the Diocese to the Archbishop of Canterbury to be submitted for the consideration of Her Majesty in Council And Her Majesty by the advice of Her Privy Council may allow or disallow the same as to Her Majesty shall seem fit And a notification of such allowance or disallowance of all such Ordinances allowed or disallowed when communicated by the Archbishop to the said Metropolitan or other Bishop shall by him be forthwith published. 5

Acts done under disallowed Ordinances.

28. Any Ordinance disallowed by Her Majesty shall after the publication of such disallowance cease to be in force but anything done under such Ordinance before such publication shall have the same validity as if such Ordinance had been allowed. 10

Death &c. of Bishop.

29. In case of the absence from the Colony of any Bishop the powers by this Act vested in him may be exercised by a Commissary appointed by him and in case no such Commissary shall have been appointed or the See shall be vacant such powers may be exercised by the person who shall then be the next in Ecclesiastical rank or degree in the Diocese and resident therein until the return of the Bishop or the assumption of office by his successor. 15

Royal Prerogative not interfered with.

30. Nothing herein contained shall affect the right of Her Majesty to appoint any Metropolitan or other Bishop of the United Church of England and Ireland in New South Wales or shall affect any other right or prerogative of Her Majesty save so far only as the same may be expressly affected by this Act. 20