

## **PREFACE: THE RULE OF CANON LAW**

Canon Law exists to assist the church in its mission. The church needs within it laws to order, and so facilitate, its public life and to regulate its own affairs for the common good and to prevent and resolve conflict. Law is the servant of the church and not an end in itself. As far as possible Canon Law should not be inconsistent with our understanding of the revealed will of God. Canon Law has a historical basis and a theological foundation, rationale and end. These Canon Laws have a living force, and contain in themselves the possibility for further development, and their existence demonstrates unity and seeks to promote unity within the Anglican Communion.

No one in the Church is above the Canon law. All institutions and persons in the church, ordained and lay, shall act in accordance with the law. A voluntary declaration, or other form of assent prescribed by law to comply with ecclesiastical jurisdiction, binds the person who makes that declaration. These Canon Laws, and consequent rights and duties are enforceable within the church by its own ecclesiastical authorities through executive action or by judicial process.

## DECLARATION OF PRINCIPLES

First Made December 16, 1875

We, the Bishop, Clergy and Laity of the Diocese of British Columbia, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire in the first place to make a Declaration of Principles upon which we propose to proceed.

1. We desire that the Church in this Diocese shall continue as heretofore in full communion with the Church of England.
2. We recognize and accept the Canon of Holy Scripture as received by the Church of England as the Rule and Standard of our Christian Faith. We acknowledge "The Book of Common Prayer and Administration of the Sacraments" together with the Thirty-nine Articles of Religion of the Church of England to be a true and faithful declaration of the doctrines contained in the Holy Scripture. We maintain the three-fold order of the Christian Ministry, as set forth in the "Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons", to be Scriptural and Apostolical, and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of Church Order, and to transmit them unimpaired to our posterity.
3. Provided that nothing herein contained shall prevent the Synod, so far as the Synod may see fit, from accepting any alteration in "The Book of Common Prayer and Administration of the Sacraments", or of the Thirty-nine Articles of Religion, or in the Authorized Version of the Bible, that may from time to time be adopted by the Church of England in Canada, or any prayer or Thanksgiving to be prepared by the Bishop, which any special purposes may render desirable.

## THE ANGLICAN BISHOPS' CORPORATION ACT

(44 Viced.)

(Cap. 2)

A.D.1881

### **An Act to constitute the Bishops of British Columbia, Caledonia, and New Westminster Corporations Sole**

(25th March, 1881)

Whereas, the Bishop of British Columbia has been constituted a Corporation sole by Royal Letters Patent, and has in that capacity received, held and conveyed real estate.

And whereas, the Diocese of British Columbia has been divided into three Sees, the Bishopric of British Columbia, the Bishopric of Caledonia, and the Bishopric of New Westminster:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. The present Bishop of British Columbia is, and he and his successors in office duly elected or acknowledged by the Synod of his Diocese, or otherwise duly appointed and consecrated, by lawful authority Bishops of British Columbia, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of British Columbia as heretofore used, with the power to acquire and hold lands, and all real estate conveyed to or vested in the Bishops of British Columbia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
2. The present Bishop of Caledonia and his successors in office, duly elected or acknowledged by the Synod of the Diocese of Caledonia, or otherwise duly appointed and consecrated by lawful authority Bishops of Caledonia, shall be a Corporation sole with perpetual succession retaining the name of the Lord Bishop of Caledonia as heretofore used, with power to acquire and hold lands, and all real estate conveyed to or vested in the Bishop of Caledonia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
3. The present Bishop of New Westminster and his successors in office, duly elected or acknowledged by the Synod of the Diocese of New Westminster, or otherwise duly appointed and consecrated by lawful authority Bishop of New Westminster, shall be a corporation sole with perpetual succession, retaining the name of the Lord Bishop of New Westminster as heretofore used, with power to acquire and hold lands, and all real estate conveyed to or vested in the Bishop of New Westminster, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
4. The extent of real estate held by the said Bishops in their corporate capacity respectively within the Province of British Columbia, shall not exceed 5,000 acres at any time.
5. Nothing in this Act contained shall, or shall be deemed to confer any spiritual or ecclesiastical rights whatsoever upon the said Episcopal corporations hereby continued or created.
6. The Short title of this Act shall be "Anglican Bishops' Corporation Act."

**THE SYNOD INCORPORATION ACT**  
(52 Viced.)                      (Cap. 30)                      A.D. 1889  
**An Act to incorporate the Anglican Synod of the Diocese of  
British Columbia**

Whereas a petition has been presented from the Bishop and the Synod of the Diocese of British Columbia, such Diocese consisting of Vancouver Island and other islands adjacent, praying that the Synod should be incorporated, and it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enact as follows:

1. The Synod of the Diocese of British Columbia shall be, and the same is hereby, made and constituted a body politic and corporate, under the name of "The Anglican Synod of the Diocese of British Columbia", hereinafter called the Corporation.
2. The said Corporation shall consist of the Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, or the Provincial Synod of the Ecclesiastical Province hereinafter to be formed, and of such other persons as are or may become members thereof, according to the constitution of the said Diocesan Synod, as the same exists at the time of the passing of this Act (which constitution is set forth in Schedule A of this Act) or as the said constitution may from time to time, be altered by the said Provincial Synod, or by the said Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid.
3. Such Corporation shall have perpetual succession and a common seal, with power to change, alter, break, and renew the same when and so often as they shall think proper, and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, employed and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Corporation shall be able and capable in law, respectively, to purchase, take hold, give, receive, enjoy, possess and retain all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property which have been or hereafter shall be paid, given, granted, appropriated, devised, or bequeathed to it, or purchased by it, in any manner or way whatsoever, to, for, or in favor of the eleemosynary, ecclesiastical, and educational use and purposes, within the Province of British Columbia, of the Church of England, including thereby the uses and purposes of any parish, mission, institution, school, or hospital, connected with the Church of England in British Columbia.
4. The Corporation shall, in addition to the powers conferred upon it by the next preceding section of this Act, and subject to the provisions thereof, have the power to sell, convey, exchange, alienate, mortgage, lease or demise any lands, tenements and hereditaments held by the said Corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not; and the Corporation may also, from time to time, invest all or any of its funds and monies, and all or any funds and personal property which may be vested in, or acquired by the Corporation for eleemosynary, ecclesiastical, or educational purposes aforesaid, in and upon any mortgage security or lands, tenements and hereditaments, and in other securities in any part or parts of British Columbia; securities authorized by the Trustee and in any Act and amendments thereto; and in any securities authorized by the laws of the Dominion of Canada, for the investment or lending by Canadian Life insurance companies of their funds; and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof, whether such mortgage or assignment be made and executed directly to it in its own corporate name, or to some other corporation, or body politic and corporate, or to some company or person or persons in trust for it, and shall have and enjoy the same, and as large, full and ample powers and rights of sale and foreclosure, action and suit upon and for the purpose of enforcing the covenants, stipulations, conditions, and agreements, and all matters and things contained in such mortgages, or any of them, and in as ample a manner, as if it were a private person able and capable in the law; and furthermore may sell, grant, assign and transfer such mortgages or any of them, either wholly or partly. All investments heretofore made by the Anglican Synod of the Diocese of British Columbia are validated and confirmed.

5. The said Corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital, or other necessary public object.
6. It shall be lawful for the Corporation of the Bishop of British Columbia, or any other person or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Corporation, to be held in trust for the same purposes.
7. The said Corporation may exercise all its power by and through the Executive Council as established by the constitution aforesaid, or such other boards or committees as the said Corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said Corporation, but in accordance only with the trusts relating to any property to which special trust is attached; the said Synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The Corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.
8. The terms "Church of England", or "the Church of England in British Columbia", in all deeds, instruments and documents that have been heretofore, or that may hereafter be, executed, dealing with real or personal property within the province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, that portion of the Church of England within the Province of British Columbia.
9. Any conveyance of real estate, or any interest therein vested in the Corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the Corporation, verified by the signatures of the Bishop for the time being the Diocese of British Columbia, or his commissary duly appointed, and the secretary of the aforesaid Executive Council, and a discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectively executed.
10. In all Acts of the Legislature of this Province heretofore passed relating in any way to the Church of England, or to any of the ecclesiastical or educational institutions in any way connected herewith, and in all deeds, documents, and other writings heretofore executed where reference is made to the Diocesan Synod of British Columbia, either in direct terms or by implication, or to any officers or committees thereof, the same shall hereafter be construed as if the Corporation hereby incorporated, and the committees and officers thereof, were
  - a. the body and the committee and officers referred to in such an Act, deed, document or writings, instead of such Synod, committees and officers.
11. Any conveyance of real estate, or any interest therein, vested in the Corporation of the Bishop of British Columbia, shall hereafter be deemed to be duly executed for that purpose, if the same has affixed thereto the seal of the Corporation of the Bishop of British Columbia, verified by the signature of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectually executed.
12. All Acts and parts of Acts inconsistent with this Act are hereby repealed.
13. Nothing in this or any other Act contained shall be construed as implying that the Imperial Statute 9 George the Second, Cap. 36, has any force or effect in British Columbia.
14. This Act may be cited as the "Anglican Synod of British Columbia Incorporation Act, 1889".

## SOLEMN DECLARATION

1893

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

We, the Bishops, together with the Delegates from the Clergy and Laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration:

We declare this Church to be, and desire that it shall continue, in full communion with the Church of England throughout the world, as an integral portion of the One Body of Christ composed of Churches which, united under the One Divine Head and in the fellowship of the One Holy Catholic and Apostolic Church, hold the One Faith revealed in Holy Writ, and defined in the Creeds as maintained by the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments, as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the ministry of the same Apostolic Orders; and worship One God and Father through the same Lord Jesus Christ, by the same Holy and Divine Spirit who is given to them that believe to guide them into all truth.

And we are determined by the help of God to hold and maintain the Doctrine, Sacraments, and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Church of England hath received and set forth the same in "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Church of England; together with the Psalter or Psalms of David, appointed as they are to be sung or said in Churches; and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons"; and in the Thirty-nine Articles of Religion; and to transmit the same unimpaired to our posterity.

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