

CHAP. 84

An Act to amend the Act known as "The Amended Montreal Diocesan Temporalities' Act, 1890"

[Assented to 28th March, 1901]

WHEREAS The Synod of the Diocese of Montreal hath, Preamble.
by its petition, prayed that the said act be amended by repealing the third section thereof, and it is expedient to grant the prayer of such petition ;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 3 of the act of this Province, passed in the 53^{V., c. 123, s¹} 53rd year of the Reign of Her Majesty Queen Victoria, 3, repealed being chapter 123, and known as "The Amended Montreal Diocesan Temporalities' Act, 1890," is hereby repealed.

2. This act shall come into force on the day of its sanc- Coming into force.
tion.

CHAP. 85

An Act to confirm certain agreements between the Lord Bishop of the Diocese of Montreal and the Rector of Christ Church Cathedral, in the said Diocese

[Assented to 28th March, 1901]

WHEREAS Her Majesty Queen Victoria did, by letters- Preamble.
patent of the eighteenth day of July, one thousand eight hundred and fifty, erect and constitute the Diocese of Montreal, and did appoint the Right Reverend Francis Fulford, D.D., to be Lord Bishop thereof: and did "further ordain and declare that the Parish Church called Christ Church in the said city of Montreal shall henceforth be the Cathedral Church and the See of the said Bishop of Montreal and his successors in the said See ;"

And whereas Her said Majesty, by letters-patent, of the twelfth day of February, one thousand eight hundred and sixty-two, (appointing the said Bishop of Montreal "to be Metropolitan Bishop"), did recite and confirm and declare valid the said ordinance in the said patent of the eighteenth

day of July, one thousand eight hundred and fifty, ordaining that the said "Parish Church called Christ Church in the said city of Montreal should thenceforth be the Cathedral Church of the said Bishop and his successors in the said See";

And whereas, doubts having arisen respecting the relative rights and jurisdictions of the said Lord Bishop of Montreal and of the Rector of Montreal in the said Cathedral and Parish Church of Montreal, known as Christ Church Cathedral, agreements consisting of nine sections and dated the twelfth day of June, one thousand eight hundred and seventy-five, for the quieting of the said doubts, and for promoting harmonious working, were signed by the then Bishop and Metropolitan, the Right Reverend Ashton Oxenden, D.D., and by the then Rector, the Reverend Maurice Scollard Baldwin, M.A., and by Messrs. Robert Evans and William B. Lamb, B.C.L., the then church wardens of the said Cathedral and Parish Church;

And whereas the said agreements have now been used for about twenty-five years as a working arrangement by the said Bishop and Rector who signed them, and by their successors;

And whereas, since the said agreements were signed, the offices of Metropolitan and of Bishop of Montreal have been separated, and the General Synod of the Church of England in Canada and the Office of Primate have been created; and it has become desirable to amend section five of the said agreements in order to continue the Provincial Services (as was originally arranged) under the direction of the Metropolitan; and whereas it has also become desirable to place the General Synod Services (when held in this Cathedral) under the direction of the Primate;

And whereas the Right Reverend William Bennett Bond, LL.D., the present Bishop, and the Venerable Archdeacon John George Norton, D.D., the present Rector, have further found it desirable to amend, and have agreed to amend section seven of the said agreements, in order to provide a seat in the Choir for the Dean, and more ample accommodation for the increased number of Archdeacons and Canons; and also to enable the Chapter to act as an Advisory Board to the Bishop at his request;

And whereas a certified copy of the said agreements, as so amended in sections five and seven, is hereto annexed;

And whereas the said present Bishop of Montreal, and the said present Rector, and Messrs. Perceval Ridout Gault and William John Learmont, the present Church Wardens

of the said Cathedral and Parish Church, by and with the consent of the Vestry of the said Church, have, by their petition presented to the Legislature, prayed that the said agreements as so amended be ratified and confirmed and given full effect; and whereas it is expedient to grant the prayer of that petition;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said agreements, so made between the said Lord Bishop of the Diocese of Montreal and the said Rector of Christ Church Cathedral, and as so amended by their successors the present Bishop and Rector, as stated in the preamble of this Act, and as contained in the Annex of this Act, are hereby ratified and confirmed, and declared to be binding as well upon the present Bishop of the said diocese and the present Rector of the said Cathedral and Parish Church, as upon their respective successors, to all intents and purposes whatsoever.

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fied.

2. This Act shall come into force on the day of its sanction.

Coming into
force.

ANNEX.

(Certified copy of the said agreements as so amended and as confirmed by this Act.)

AGREEMENTS between the Lord Bishop of the diocese of Montreal and the Rector of Christ Church Cathedral, in the said diocese, *re* Christ Church Cathedral, the Parish Church of Montreal.

1. The Rector, excepting as hereafter provided for, is responsible for the due and orderly performance of Divine Service in the Church, and for the execution of all duties appertaining thereto, either as Cathedral or Parochial Church, subject to the control of the Bishop, in the same manner as a Rector in England is subject to a Bishop in England. The fabric of the Church to be under the control of the Rector and Church Wardens according to the laws in force in Canada.

2. The Bishop shall at all times take such part in the Services as he may desire, and, when disposed to do so, shall

occupy the pulpit upon giving due notice to the Rector, it being understood that due notice need not be longer than one week, and should not be shorter than four days. ~~And~~

3. The Bishop may at any time invite or appoint any stranger to preach or officiate in the church, with the concurrence of the Rector, due notice of such occasions to be given to the Rector.

4. The services shall at all times be conducted in strict conformity to the rules prescribed in the Prayer Book, and such directions as the Bishop in his capacity as ordinary may from time to time issue to the Diocese: any deviation from these rules will require the consent of the Bishop.

5. (*As amended*).

(1.) At Visitations, Ordinations, Meetings of the Diocesan Synod, and on public occasions of general Thanksgiving or of general Fast, or in connection with Civic or State events, the Services of the Church and the appointment of the Preachers shall be under the special direction of the Bishop or (in his absence) of the Senior Dignitary. On these occasions the Bishop shall also assign seats to the clergy in the Choir as may please him, except as hereinafter provided for; and the Rector, when not Dean, may occupy his present seat, the first on the right hand on entering the Choir from the nave, at the first arch of the tower.

(2.) At Consecrations of Bishops, and at meetings of the Provincial Synod, the Services shall be under the direction of the Metropolitan or Presiding Bishop, who shall appoint the Preachers; and at meetings of the General Synod, the Services (when held in this Cathedral) shall be under the direction of the Primate, who shall appoint the Preachers.

6. The Assistant Ministers shall be nominated to the Bishop by the Rector, but shall not officiate until they have received licences from the Bishop in the manner customary in the Church of England generally.

7. (*As amended*).

(1.) At all times when the Dean is present, he shall have precedence next to the Bishop, and shall occupy the first seat in the upper tier of the choir, on the right hand, immediately beyond the second arch of the tower. ~~And~~ The Archdeacons (who shall have precedence in order of seniority next to the Dean and before the Rector) and the Canons (who shall have precedence in order of seniority after the Rector) shall, whenever present, have seats in the upper tiers of the Choir, or in the Sanctuary, or (if owing to the presence of many Bishops there be not sufficient room in the Sanctuary) elsewhere in the Choir.

(2.) The Chapter (a majority of whose members shall form a quorum) shall consist of the Dean, the Archdeacons, the Rector *ex officio*, and the Canons. The Dean (or in his absence, or if the Deanery be vacant, the Senior Archdeacon) shall be the Convener and Chairman of all Chapter meetings; and all such meetings shall be held in the Chapter House, and shall be called by the Convener, after consultation with the Rector, at such times as shall not conflict with the Bishop's meetings, or with parochial meetings, or with the services of the Church; which limitations shall also apply, *mutatis mutandis*, to the times of the Bishop's meetings mentioned below in Section Eight.

(3.) The Dean and Chapter may discuss, and advise the Bishop upon, any matters referred to them by him. In arranging the Services of the Church, the Dean and Chapter shall only come in with the Rector in preparing outlines of suggestions for the Diocesan, Provincial, and General Synod Services, and such other Special Services as are referred to above in Section Five; copies of which outlines, signed by the Chairman, shall be immediately transmitted by the Rector, for approbation or amendment, to the Bishop, Metropolitan, or Primate (as the case may be), whose decision shall be final, and binding upon the Rector.

(4.) All other Services, both on Sundays and week-days, shall be as heretofore under the direction of the Rector; but in order to secure reasonable stability in the character of the ordinary public Services of the Cathedral and Parish Church, the Rector (unless obedience to a new Synodical Canon, or other question of law, is involved), shall not make any change in these Services which may be objected to by a vote of the majority of those present at a meeting of the Select Vestry, or of any other committee of twelve members of the said Church (with the Rector as Chairman, if present), which may be hereafter appointed for the purpose by an Easter Vestry Meeting of the said Church, without the consent of the Bishop given in a letter written after he has considered such vote, and expressly sanctioning such change. The Notice convening every such meeting of the Select Vestry, or of said other committee, shall be issued by the Rector, or upon a requisition in writing by not less than four of the members, at least five days before such meeting, and the said Notice shall specify the change or changes of Service to be considered.

(5.) All the rights of the Rector of Montreal shall be fully maintained, except in so far as they are expressly abridged by the provisions of these Agreements; and with respect to the Services mentioned above in Section Five,

nothing contained in these Agreements shall be construed as depriving the Rector of his right to give out the Hymns, Anthems, and Notices, and to act as Server at Holy Communion, or as allowing the Organist or Choir Director, or any of the choir-singers of the said church, to be superseded or deprived of their customary seats without the consent of the Rector, or as obliging them to attempt to render in public worship any music, which, in the judgment of the Rector, is beyond their powers.

(6.) The ownership, management, and tenure, of the offertories, pew-rents, fabric, site, furniture, fittings and other properties, personal or real, of the said Church, shall be in no way varied or affected by the provisions of these Agreements.

8. The Bishop shall have the use of the Chapter Room for such meetings as he may desire to hold, on due notice being given to the Rector.

9. To avoid confusion, all orders and directions concerning the church, either as Parish Church or Cathedral, shall be given to the subordinate officers of the Church through the Rector, or, in his absence, through the Church Wardens.

7th January, 1901.

(Signed), W. B. MONTREAL, *Bishop*,
J. G. NORTON, *Rector*.

Witnesses :

PERCY R. GAULT, }
W. J. LEARMONT, } *Church-wardens*.

This is to Certify that the above is a true and authentic Copy of the Agreements signed by us on 7th January, 1901, respecting Christ Church Cathedral.

W. B. MONTREAL, *Bishop*,
J. G. NORTON, *Rector*.

Montreal, 9th January, 1901.