

APPENDIX S

Legislation Respecting the General Synod

1. The General Synod

Unofficial Consolidation of Chap. 82, Statutes of Canada, 1921, as amended by Chap. 35, 1951 (2nd Sess.) and Chap. 57, 1956 and Chap. 56, 2005.

An Act to incorporate The General Synod of the Church of England in Canada.

[Assented to 3rd May, 1921]

WHEREAS, the General Synod of the Church of England in Canada is composed of the Archbishops and Bishops of the Church of England in Canada and of clerical and lay delegates from all dioceses of the said Church in Canada; and whereas a petition has been presented praying that the said General Synod may be incorporated, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The General Synod of The Anglican Church of Canada is hereby declared to be a body corporate under the name and style of “The General Synod of The Anglican Church of Canada” hereinafter called “the Synod”.
2. The Synod shall consist of the Primate, Archbishops and Bishops of the said Anglican Church of Canada and of clerical and lay delegates to be elected by the several dioceses of the said Church in Canada according to the constitution of the Synod as the same exists at the time of the passing of this Act, or as it may from time to time be altered by the Synod after the passing thereof.
3.
 - (1) The Synod may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired, by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Synod or to, for, or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with, the uses or purposes of the Synod.
 - (2) The Synod may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.
 - (3) The Synod shall give the Secretary of State, when required, a full and correct statement of all lands, at the date of such statement, held by the Synod, or in trust for it.

- (4) In regard to any real property, which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act, but otherwise, the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Synod.
 - (5) In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or otherwise, for the use and purposes of the Synod, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Synod.
 - (6) Any deed or other instrument relating to real estate vested in the Synod or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Synod and there is thereon the signature of any Officer of the Synod duly authorized for such purposes, or of his lawful attorney.
 - (7) The Synod may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, institution, rectory, school or hospital or for any other religious, charitable, educational, congregational, social or administrative purposes upon such terms and conditions as it may deem expedient. (1951, c.35, s.1)
4. The Synod shall have full power and authority to adopt such canons, rules, regulations and bylaws as by the Synod may be considered necessary for the exercise of the powers conferred or which may hereafter be conferred on the Synod under this or any other Act relating to the said Church or Synod.
 5. The Synod may exercise all the said powers by and through such boards, councils and committees as the Synod may from time to time appoint by canons or by-laws, and may determine the method of election or appointment thereto and may define the constitution, powers, duties, quorum and term of office of such boards, councils and committees, and fix the number, powers, duties and terms of office of the officers of the Synod, with full power to delegate such of its powers as it may deem proper to the said boards, councils, committees and officers.
 6. (1) The Synod may, from time to time for the purposes of the Synod —
 - (a) borrow money upon the credit of the Synod;
 - (b) limit or increase the amount to be borrowed;
 - (c) make, draw, accept, endorse, or become party to promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Synod, and countersigned by the proper party thereto, authorized by the by-laws of the Synod, shall be binding upon the Synod and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Synod affixed to any such note or bill;

- (d) mortgage, hypothecate, or pledge any property of the Synod, real or personal, to secure the repayment of any money borrowed for the purposes of the Synod;
 - (e) issue bonds, debentures or other securities of the Synod;
 - (f) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.
- (2) Nothing in the preceding subsection shall be construed to authorize the Synod to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance. (1951, c. 35 s. 2)
- 6A. The Synod may also invest and reinvest any of its funds, including any funds held in trust, in such investments as the Synod considers advisable. (2005, c56).
- 6B. The Synod may take over and maintain the present Pension Fund of the General Synod for the retired or disabled clergy of the Church, their widows, children and dependents, and may set up, establish and maintain a fund or funds for the benefit of lay employees of the Synod or any diocese, parish, mission, college, school, hospital, institution or society or for any religious, educational, eleemosynary, administrative, congregational or social purpose, upon such terms and conditions as the Synod may deem expedient, and may by canon or regulations provide for the constitution of any board or committee for the management of said fund or funds and may define the powers and duties of such board or committee and the regulation of the fund under its control. (1951, c. 35 s. 3)
7. The Synod may do all such other lawful acts and things as are incidental or may be conducive to the attainment of its objects.

2. The Missionary Society of The Church of England in Canada

Chap. 155, Statutes of Canada, 1903.

An Act to incorporate the Missionary Society of the Church of England in Canada.

[Assented to 13th August, 1903]

WHEREAS the General Synod of the Church of England in Canada, representing all the dioceses of the said church in Canada, except the diocese of Caledonia, in the Province of British Columbia, by canon number two created a society called "The Missionary Society of the Church of England in Canada", consisting of all the members of the said church, for the general missionary work of the said church; and whereas it will assist and promote the work of the said society if it is incorporated; and whereas a petition has been presented praying that the said society may be incorporated and have conferred upon it the powers of a corporation, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows —

1. The Missionary Society of the Church of England in Canada, as at present constituted under canon number two of the General Synod of the Church of England in Canada as set out in the schedule to this Act, is hereby constituted a body corporate under the name and style of "The Missionary Society of the Church of England in Canada", hereinafter called "the Society".

2. The Society shall be governed and controlled and the Board of Management of the Society shall be constituted as provided by the said canon number two; and the said canon shall continue to govern the Society and shall remain in force until repealed, altered or amended by the said General Synod.
3. The said General Synod may at any time repeal, alter or amend the said canon number two and may substitute other provisions for the management and control of the Society.
4. The Society may acquire, hold, take and receive gifts, conveyances, devises and bequests of land or of personal property, or of any estate or interest therein, in any part of Canada, and may use, sell or dispose of the same or any part thereof, and may apply the proceeds of such property for the purposes for which the Society has been organized; and any devise of real estate shall be subject to the laws respecting the devises of real estate to religious corporations in force at the time of such devise in that part of Canada in which such real estate is situate.

(The schedule is omitted.)

3. The Consolidated Trust Fund

Chap. 34, Statutes of Canada, 1951 (2nd Sess.).

An Act respecting the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada

[Assented to 21st December, 1951]

WHEREAS the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada have by petition represented that they are bodies corporate and politic under statutes of the Parliament of Canada, each having its head office in the City of Toronto and Province of Ontario; and whereas the said corporations have by petition prayed for an Act authorizing them to consolidate, manage and invest the trust funds under the control of the said petitioners respectively as one fund; and whereas it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Church of England Consolidated Trust Fund Act, 1951*.
2. The General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada and each of them may declare and enact by canon or by-law that all or part of the personal property, securities and moneys which now are or which may hereafter become vested in or held by the said corporations respectively shall be held, managed and invested as one general trust fund to be known as the Church of England Consolidated Trust Fund, and may make such lawful investments of the same in such sums and at such rates of interest as the Board of Finance of the General Synod (hereinafter referred to as "the Board of Finance") may from time to time determine, but nothing herein contained shall authorize the said Board to vary or alter the trusts upon which the said personal property, securities or moneys are now held, except as herein or heretofore authorized.

3. The Board of Finance of the General Synod shall have the management, administration and control of the said fund.
4. Separate and distinct accounts of each and every trust respecting the funds thereof vested in the said corporations respectively, showing the capital of the same, shall be kept by the said corporations respectively and by the said Board of Finance, and the interest and accretions received or accruing from the several investments so made of the whole of the said consolidated trust fund shall be divided between the two corporations in the proportion of the capital contributed by each, and the amount received by each corporation shall be divided among the several trusts represented by it pro rata to the proportion contributed by each separate trust fund to the whole trust fund vested in each corporation respectively after deducting from such receipts the expenses of management, investment and administration, and provision for adequate reserve against loss, and the payment of such pro rata sums shall be a full discharge of the said corporations respectively in respect of the trusts on which the said funds are held by them.
5. The Board of Finance may receive and hold for investment any trust funds or any other securities or moneys vested in or held by any department, board, council or committee of the General Synod or of the Missionary Society of the Church of England in Canada, or vested in or held by any Provincial or Diocesan Synod in Canada or any board of committee thereof, which trust funds or other securities or moneys when received shall form part of the said consolidated Trust Fund, on such terms as the Board of Finance shall decide.
6. The Board of Finance referred to herein is authorized and empowered —
 - (a) to determine, fix and declare each year the amount of interest earned or deemed to be earned and accretions and the rate of interest which shall thereby be paid on the securities of the said consolidated trust fund; and
 - (b) in the event at any time of any default in payment of the principal or the interest on any security, or if at any time in the opinion of the Board of Finance there has been a depreciation in the value of any security, to deduct from time to time the amount of such default or depreciation from the total of the interest and accretions of that year or to direct that it be spread over a period of years.
7. The Church of England in Canada Consolidated Trust Fund shall acquire the whole or any part of the rights and property of the Church of England Trust Fund as established by chapter 145, of the Acts of 1927 of the province of Ontario, and chapter 100, of the Acts of 1928 of the province of Ontario and assume all the obligations and liabilities of the Church of England Trust Fund and shall perform and discharge all of the obligations and liabilities of the Church of England Trust Fund so assumed which at the time of such acquisition and assumption shall not have been performed and discharged by the said Church of England Trust Fund.
8. All Acts performed under the provisions of the Church of England Trust Fund Acts of the province of Ontario are confirmed and declared to be legal, valid and binding to the same extent as they would be binding if performed under the provisions of this Act.

4. Change in Name of the Church

Chap. 57, Statutes of Canada, 1956.

An Act respecting:

The General Synod of the Church of England in Canada; The Missionary Society of the Church of England in Canada; The Woman's Auxiliary of the Church of England in Canada and The Church of England Consolidated Trust Fund

[Assented to 22nd March, 1956]

WHEREAS the General Synod of the Church of England in Canada, The Missionary Society of the Church of England in Canada, and the Women's Auxiliary of the Church of England in Canada have by petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The name of The General Synod of the Church of England in Canada, incorporated by chapter 82 of the statutes of 1921 is hereby changed to "The General Synod of The Anglican Church of Canada".
2. The name of The Missionary Society of the Church of England in Canada, incorporated by chapter 155 of the statutes of 1903, is hereby changed to "The Missionary Society of The Anglican Church of Canada".
3. The name of The Woman's Auxiliary of the Church of England in Canada incorporated by chapter 98 of the statutes of 1908, as amended by section 1 of chapter 93 of the statutes of 1947 is hereby changed to "The Woman's Auxiliary of The Anglican Church of Canada".
4. The name of The Church of England Consolidated Trust Fund as it appears in chapter 34 of the statutes of 1951 (Second Session) is hereby changed to "The Anglican Church of Canada Consolidated Trust Fund".
5. The changes in the names of the Corporations and in the name of the Fund hereinbefore referred to shall not in any way impair, alter or affect the rights or liabilities of any of the said Corporations, or of the said Fund or any bequest, gift or donation now made or which hereafter may be made to any of the said corporations or to the said Fund, whether by their original or their new name, or any suit or proceeding now pending or judgment existing, either by or in favour of or against any of the said Corporations or the said Fund which notwithstanding such changes in the names of the said corporations or of the said Fund, may be enforced and continued as if this Act had not been passed.