

Bathurst Cathedral Validating.

An Act to sanction, confirm, and give legal effect to a Canon for establishing and regulating the Constitution of the Cathedral Church of All Saints, Bathurst. [11th December, 1906.]

BATHURST
CATHEDRAL
VALIDATING.

WHIEREAS the Parochial Church of All Saints, Bathurst, has Preamble. been recognised as the Cathedral Church of the Diocese of Bathurst: And whereas at a Session of the Synod of the Church of England for the Diocese of Bathurst, held in the month of November, one thousand nine hundred and five, a Canon was passed, establishing and regulating the Constitution of the said Cathedral Church of All Saints, Bathurst, known as "the Cathedral Canon of one thousand nine hundred and five": And whereas the same was approved, accepted, and adopted at a meeting of the incumbent, churchwarden's, parochial councillors, trustees, and parishoners of the said church, held in the month of November, one thousand nine hundred and five: And whereas it is necessary and expedient that legal effect should be given to the said Canon by Act of Parliament: Be it therefore enacted by the King'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. The provisions of the Cathedral Canon of one thousand nine hundred and five, set out in the Schedule hereto, are hereby confirmed and sanctioned, and the same shall be valid and binding and have the force of law as though they were herein set out in full.

2. This Act may be cited as the "Bathurst Cathedral Validating Short title. Act, 1906."

SCHEDULE.

The Cathedral Canon of 1905.

WHIEREAS the Parochial Church of All Saints', Bathurst, has been recognised as the Preamble. Cathedral Church of the Diocese: And, whereas it is expedient to establish and regulate the Constitution of the said Cathedral Church: Be it therefore enacted by the bishop, clergy, and laity of the said Diocese, in Synod assembled, in pursuance of the powers conferred upon the said Synod by the Constitutions for the "management and good government of the Church of England within the State of New South Wales," and all other powers vested in the Synod, as follows:—

This Canon shall be the Constitution of All Saints' Cathedral in the city of Clause 1—Obligation of Canon. Bathurst, hereinafter mentioned as *the Cathedral*, and the trustees for the time being of the said church and every other person in any way acting in or about the execution of the trusts relating thereto, shall observe, perform, and keep the provisions of this Canon.

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- Clause 2—Parochial rights reserved. The incumbent, parishioners, and parochial wardens of All Saints' Parish shall retain all rights and privileges, save only so far as such are specifically limited by this Canon, and nothing contained in this Canon shall prevent the Parish of All Saints' being represented in the Synod of the Diocese by its incumbent and by lay members elected as heretofore.
- Clause 3—The Cathedral. The Cathedral shall be held to be the church of the whole Diocese ; all the sittings therein, except only certain official seats to be assigned by the Cathedral Council, being hereby declared to be free and unappropriated on all occasions, except at the times of the usual Sunday morning and evening services, when two-thirds of the sittings may be rented and appropriated as heretofore.
- Clause 4—Right of Bishop. The right of the Bishop of the Diocese to be the Ordinary of the Cathedral, and to use it for ordinations and visitations (on which occasions the Bishop has the right to appoint the preacher), and himself to officiate and preach on such other occasions as he may see fit, is hereby acknowledged and confirmed.
- Clause 5—The Dean. The incumbent of the Parish of All Saints' shall be the Dean of the Cathedral, and when a vacancy shall occur in the office of the Dean, the appointment of a fit person to be at once Dean of the Cathedral and incumbent of the parish, shall be made in accordance with the provisions of a Canon to provide for the appointment of the Dean of the Cathedral and incumbent of All Saints', Bathurst : Provided that during the vacancy the Bishop may hold the office of Dean, with power to appoint a curate to discharge such of the parochial duties as he shall see fit.
- Clause 6—The Chapter. The Chapter shall consist of six members—namely : The Bishop of the Diocese for the time being, the Dean of the Cathedral for the time being, and four Canons appointed by the Bishop, being, and so long as they shall remain, licensed clergymen of the Diocese in the holy order of Priesthood.
- Clause 7—Disqualification of Canons. A Canon shall become disqualified by being absent from the Diocese for three months in succession without the permission of the Bishop, or by ceasing to hold a license as a clergyman of the Diocese, or by such a violation of the rules and regulations of the Cathedral as shall, in the opinion of two-thirds of the Chapter, render him unfit to continue to act as a member of the Chapter.
- Clause 8—Powers of Dean and Chapter. The Chapter shall arrange the quarterly preaching turns and other Cathedral duties of the Canons, and from time to time, as occasion may require, make rules for the conducting of such business as may come before it, and the Dean shall, subject to the provisions of clause 4, have the charge and ordering of all *Cathedral services*—that is, such as are connected with episcopal and diocesan functions, and all matters pertaining thereto, in accordance with general regulations laid down by the Chapter and approved by the Bishop ; and at all other times and services the Dean shall enjoy and exercise his rights and privileges as incumbent.
- Clause 9—Cathedral council. For the general management of the Cathedral and its revenue, a council shall be formed, consisting of the Dean, three parochial and three diocesan wardens. The three parochial wardens shall be those who have been duly elected for the Parish of All Saints', according to law. The three diocesan wardens shall be residents in the Parish of All Saints', and seat-holders in the Cathedral, duly qualified as required in the case of parochial wardens. One of such diocesan wardens shall be appointed by the Bishop upon the passing of this Canon and thereafter annually during Easter week, and the remaining two diocesan wardens shall be elected by the Synod in such manner as it shall by resolution determine during the first session of each new Synod, such wardens to hold office until their successors are appointed and to be eligible for re-election. As soon as practicable after the passing of this Canon, and during the same session of Synod, the Synod shall proceed to the election of the first two diocesan wardens, and in the case of a vacancy from any cause whatsoever occurring in the office of diocesan warden, the diocesan council shall appoint a warden to hold office until the next appointment by the Bishop or election by Synod shall take place, and in case of a vacancy occurring in the office of parochial warden, the same shall be filled in the manner prescribed in "clause 16, in

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in Schedule II of an Ordinance passed by the Provincial Synod of the province of New South Wales, entitled the Provincial Church Ordinance, 1892." A lay member of the council shall become disqualified by being absent from three (3) meetings of the council in succession, without the permission of the council, or by the commission of any act which, in the opinion of two-thirds of the council, shall render him unfit to continue to act, or if he cease to attend the services of the Church of England and join any other religious denomination, he shall thereupon cease to hold office.

Every member of the Cathedral council shall, on the first occasion of his being present at a meeting of the council, and before taking part in the business of the meeting, sign the following declaration :—

Clause 10—Declaration.

I, A.B., do hereby solemnly promise that I will duly observe and keep the rules and regulations of this Cathedral Church.

The rights, powers, and duties of the Cathedral council, besides those of the churchwardens described in the Book of Common Prayer, shall be to have charge and administration of all funds and properties belonging to the Parish and Cathedral of All Saints', and to apply and appropriate the same as follows :—

Clause 11—The rights, powers, and duties of the Cathedral council.

1. From the rents and profits derived from the school site lands, to make the payments set forth in section 5, subsections *a*, *b*, and *c*, of the All Saints' Bathurst School Site Canon of 1899.

2. As a first charge on the fund, consisting of the residue of the rents and profits of the aforesaid school site lands, and all other parochial and Cathedral funds (after necessary payments for and in connection with Divine service and for insurance, and rates, and taxes) to pay to the present incumbent of the parish a stipend of £500 a year, and after his death or resignation, or permanent incapacity to perform the duties of his office, then to his successors, not being permanently incapacitated from performing the duties of the office, such stipend as shall be fixed by the Cathedral council, and the present incumbent and his successors shall also receive all surplice fees and other like dues and offerings. In case of the permanent incapacity of the present incumbent of the parish, such incapacity to be certified to the Bishop by a joint certificate, signed by three duly qualified medical practitioners, one of whom shall be appointed by the Bishop, one by the incumbent or his legal representative, and one by the Cathedral council, a retiring life pension of one hundred and seventy-five pounds per annum, without residence, shall be paid to him by the Cathedral council half-yearly.

3. To keep the Cathedral and Deanery and the buildings attached thereto in good order and repair.

4. To discharge the existing parochial and Cathedral indebtedness.

5. To deal with any balance of revenue that shall remain after the above payments have been made for such Cathedral and parochial purposes, as the council shall from time to time determine: Provided always that in the event of any donation or legacy being the subject of a special trust it shall be competent for the council to accept such donation or legacy so subject.

6. Before every annual vestry meeting, to prepare a statement of all moneys received and expended by them during the previous financial year, which shall be duly certified by the signatures of the secretary and treasurer of the Cathedral council, and by the signature of two auditors appointed by the Cathedral council, and to produce at the annual vestry meeting through the parochial wardens such statement so certified, and to forward a copy thereof to the diocesan registry, and to deliver to their successors from year to year the book or books containing the accounts of such moneys and likewise all vouchers for payments. The statement of accounts duly certified as aforesaid shall be printed and distributed among the occupiers of seats in the Cathedral. The financial year shall begin on the first day of April and end on the thirty-first day of March.

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7. And in all other respects (save where modified or expressly provided for in this Canon) to have and exercise the rights, powers, and duties of churchwardens mentioned in section 23 of the Provincial Church Ordinance of 1892.

Clause 12—Rights of incumbent.

The incumbent of All Saints', Bathurst, shall retain all rights and privileges vested in him by clauses 10 and 11 of Schedule II of an Ordinance passed by the Provincial Synod of New South Wales, entitled, "The Provincial Church Ordinance, 1892," save only in so far as such are specifically limited by this Canon.

Clause 13—President.

The Bishop shall be president of the chapter, and the Dean shall act as president in the absence of the Bishop, and in the absence of both Bishop and Dean the members present shall elect their own chairman. The Dean shall be president of the Cathedral council, and in his absence the members present shall elect their own chairman.

Clause 14—Quorum.

Three members of the Chapter shall form a quorum, and three members of the Cathedral council shall form a quorum. The member presiding shall, in the case of an equality of votes, have a second or casting vote.

Clause 15—Cathedral officers.

If at any time the Cathedral council shall deem it desirable that a precentor should be appointed, the Dean shall nominate to the Bishop a clergyman in the holy order of the priesthood, who shall, if approved and licensed by the said Bishop, perform such Cathedral and parochial duties as the Dean may require, and shall hold his office under the same conditions as a stipendiary curate. The other officers shall be a curate or curates (nominated by the incumbent and licensed by the Bishop); an organist, appointed or removed by the incumbent; choristers, who shall be appointed or removed by the incumbent; and such other officers as the Cathedral council may from time to time consider requisite for the due performance of the services conducted in the Cathedral, and the discharge of all duties and works connected therewith.

Clause 16—Cathedral trustees.

All lands, buildings, and properties belonging to the Cathedral and Parish of All Saints', Bathurst, shall be vested in the Church of England Property Trust, Diocese of Bathurst.

Clause 17—Application to Parliament.

As soon as practicable after the passing of this Canon, application shall be made by the diocesan council to the Legislature of the State for an Act of Parliament to give legal effect to the same.

Clause 18—General.

Any matter concerning the Cathedral and Parish of All Saints' attached thereto, and not herein provided for, shall be held to be regulated by the Canons passed or hereafter to be passed by the Synod of the Diocese of Bathurst.

Clause 19.

No part of this Canon shall come into operation or have any effect until the same has been sanctioned and confirmed by the Parliament of the State, and thereupon the Pro-Cathedral Canon of 1902 shall stand repealed.

Clause 20—Short title

This Canon may be cited as "The Cathedral Canon of 1905."