

JOURNAL
OF THE
GENERAL CONVENTION
OF THE
Protestant Episcopal Church

IN THE UNITED STATES OF AMERICA

Held in Boston, Massachusetts
From September Eighth to Nineteenth,
inclusive, in the Year of Our Lord

1952

WITH APPENDICES

PRINTED FOR THE CONVENTION

1952

- Iung, N., "Communion," *Dictionnaire de Droit Canonique*, III, 1098-1180. Especially columns 1175-77.
- Leclercq, H., "Cuiller," *Dictionnaire d'archéologie chrétienne et de liturgie*, III, 3172-83.
- Martene, Edmundo, *De antiquis ecclesiae ritibus*. 4 vols. in 2. Bassani, 1788. Vol. I, pp. 157-58.
- Scudamore, W. E., *Notitia Eucharistia*. A Commentary, Explanatory, Doctrinal, and Historical, on the Order for the Administration of the Lord's Supper or Holy Communion According to the use of the Church of England, with an Appendix on the Office for the Communion of the Sick. London: Rivingtons, 1872. See pp. 614-18.
- Toner, P. J., "Communion under Both Kinds," *The Catholic Encyclopedia*, IV, 175-79.

APPENDIX 19

REPORT OF THE JOINT COMMISSION TO REPORT RECOMMENDATIONS AS TO AMENDMENTS TO CANONS ON HOLY MATRIMONY.

At its first meeting the Commission organized by the election of the Right Reverend the Bishop of Newark as Chairman and the Reverend Gregory Mabry of Long Island as Secretary. The names of eleven of the original members of the Commission and the Reverend James S. Allen, appointed in the place of the Right Reverend Edward R. Welles, resigned, are appended.

A detailed statement of the expenses of the Commission is also appended. The estimate of the requirements for the coming triennium is \$500.00.

The General Convention of 1949 gave a brief and definitely limited directive to this Commission. Three years earlier there had been a complete revision of the Canons respecting Holy Matrimony. Its purpose was the substitution of a pastoral for a purely legalistic approach to the consideration of problems arising in connection with this divine institution. In 1949 it was the belief of General Convention that insufficient time had elapsed to determine the adequacy of the new Canons in maintaining the doctrine of the Church that Christian marriage is a physical, spiritual and mystical union of a man and a woman created by their mutual consent of heart, mind and will thereto, a Holy Estate of God, and in intention lifelong. (Canon 18, Sec. 2 (b).)

In obedience to the directive of the Convention of 1949, our Commission has sought to discover whether further experience with the Canon has revealed the need or the possibility of its improvement by amendments at this time.

A comprehensive questionnaire was addressed to the diocesan bishops to ascertain from them whether in the discharge of their responsibility placed upon them by the Canons, they believed that serious defects exist which

should now be corrected. Replies were received from all but three of the bishops. A second questionnaire was sent to diocesan chancellors asking their opinion as to the proper construction of the much discussed phrase, "to exist or to have existed" (Canon 18, Sec. 2 (b)), in determining the marital status in the eyes of the Church of persons whose previous marriage has been terminated by the decree of a civil court. The chancellors were further asked for suggestions in any direction as to appropriate amendments of the Canons. Replies were received from a great majority of the chancellors.

The experience of civil courts proves the difficulty of choosing language allowing but one interpretation. A certain variety of opinion exists as to the propriety of assuming that defects of personality apparently arising only after marriage must have been latent at the time of the marriage, so that impediments may be said to have existed which establish the marriage as null and void ab initio. There seems to be little demand for altering the present language of the Canon in spite of its possible ambiguity. Twenty-two of the chancellors suggested amendments in other directions, ranging all the way from outright repeal of the Canon to simple amendments seeking clarification. The great majority of the chancellors either made no suggestions or definitely stated that they felt the Canons should not now be amended.

The bishops appear to be almost unanimous in desiring no substantial amendment to the Canons at present. Among them, as among the chancellors, there exist some differences of interpretation. There is, however, no ground for fear that in any of our dioceses the position of the Church as to the sacramental nature of Christian marriage is being jeopardized.

The Commission believes that the replies from bishops and chancellors indicate a general desire to allow the Canons to stand substantially in their present form. We therefore recommend no amendments for your consideration at this time.

Our conclusion, however, should not be mistaken for belief on our part that the present Canons are incapable of improvement. Hastily drafted in the midst of the busy session of the 1946 Convention, they contain infelicities of expression which careful editing would remove. Since this does not involve changes in the substance of the Canons, it would seem that the editing should be undertaken by the committees on Canons of the two Houses of General Convention. Our Commission, if continued, will naturally be willing to give its full cooperation. We believe, however, that if for at least another triennium the Canons are retained as they now stand, the further experience of diocesan authorities will enable the Church to act more wisely and with greater unanimity than would now be likely.

Several of the chancellors have expressed the opinion that the principal weakness of the Canons is the lack of authorized facilities through which to obtain crystallization of thought leading to increasingly reasonable uniformity of interpretation. One of them calls attention to the fact that General Convention has enacted a Canon which affects the Church as a whole, yet its interpretation is left to each bishop of the Church without any central body to guide him. He cites by way of analogy the chaotic situation in which we would find ourselves if Congress were to pass laws which without courts could be only advisory, to be enforced by the Governor of each State according to his mood and interpretation. Obviously no Commission of General Convention should be given the authority of a court, nor should any Commission desire it. It is, however, our opinion that this Commission, if it be

continued, may be of service to the Church as a clearing house for the experience of bishops and chancellors. Possible defects in the Canons could be pointed out, one at a time, and, through a gradual process, procedures would be perfected and stabilized.

The only task assigned to us was the suggestion of amendments to the Canons. More urgent than their amendment or revision is definite and widespread knowledge, not only of their content, but also of the teaching of the Church upon which they are based. The Canon requires that parties desiring to contract a marriage shall under normal circumstances signify their intention to the minister at least three days before the service of solemnization. Presumably this is to give him the opportunity to fulfil the further canonical requirement that he shall have instructed them as to the nature of Holy Matrimony. In his interviews with them he is to require them to sign a declaration (Canon 17, Sec. 3) which briefly summarizes the doctrine of the Church on Holy Matrimony and their assent to this doctrine.

It may be that Canon Law itself ought to go no further, but it is obvious that such instruction as is required by Canon is often both too little and too late. It is our conviction that the solution of marital difficulties which beset society today lies in fuller instruction long before a marriage takes place. To provide in brief convenient form a statement of the substance of the teaching and practice of the Church as contained in its Canons, the Commission prepared a pamphlet *Marriage in the Episcopal Church*, and this was published for the Commission by the Forward Movement in 1951. It includes brief but searching questions which persons should ask themselves when contemplating marriage. A responsibility rests upon the bishops and through them upon the other clergy of the Church to provide courses of instruction which set forward Christian ideals of marriage, of home and family life. Such instruction should begin in Church schools and continue in young peoples' groups, in Confirmation classes, in Lenten forums and in summer conferences. The faithful pastor will also feel a responsibility to give to those whom he has married more than usual attention during the early months of their marriage. Many marriages are needlessly broken for lack of wise counsel and advice.

It is proper that the Canons should set forth the requirements for marriage. It is proper that they should provide a procedure by which, taking into consideration the godly discipline both of justice and of mercy, the bishop shall give judgments as to the marital status of an active member of this Church in good standing. More fundamental is the pastoral care of souls who through the grace of God have entered into the holy estate of Matrimony discreetly, advisedly, soberly and in the fear of God, that they may ever remain in perfect love and peace together and live according to His laws.

We offer the following resolutions:

1. *Resolved*, The House . . . concurring, that the Joint Commission to Report Recommendations as to Amendments to Canons on Holy Matrimony be continued, to continue a study of the adequacy of the present Canons, to act in an advisory capacity to any who may seek its counsel, to serve as a clearing house for the exchange of information as to procedures under the Canons, and to encourage more adequate instruction on the nature of Christian marriage.

2. *Resolved*, The House of . . . concurring, that the Committee of the House of Bishops on Amendments to Canons and Constitution, and the

Committee of the House of Deputies on Canons, be requested, in cooperation with this Commission, to prepare for submission to the next General Convention such editorial alterations in Canons 16, 17 and 18 as may be needed to correct infelicities of expression.

3. *Resolved*, The House of . . . concurring, that the sum of \$500.00 be appropriated for the expenses of the Commission during the next triennium.

FINANCIAL REPORT

Receipts

Appropriation by General Convention..... \$500.00

Disbursements

Travel and hospitality members to Meeting 1950. \$180.64
 Travel or hospitality members to Meeting 1951.... 147.00
 Study Material 14.90
 Office Expense 120.00

\$462.54

Balance..... \$ 37.46

STEPHEN F. BAYNE, JR.
 THOMAS N. CARRUTHERS
 W. APPLETON LAWRENCE
 BENJAMIN M. WASHBURN, *Chairman*
 JAMES S. ALLEN
 THEODORE P. FERRIS
 GREGORY MABRY, *Secretary*
 FRANCIS J. MOORE
 JOHN D. DENNEY, M.D.
 ANDREW DILWORTH
 ELIZABETH S. STEBBINS
 RUTH M. WEINFIELD

APPENDIX 20

REPORT OF THE JOINT COMMISSION ON CHURCH MUSIC

Five meetings of the Commission have been held during the triennium for the purpose of developing the program outlined by the Commission in its tenth report to the General Convention of 1949.

The Commission has, with the cooperation of Columbia Records, Inc., prepared recordings which demonstrate the proper rendition of portions of the service music found in the appendix to The Hymnal 1940. Both Anglican and Plainsong settings have been employed for the music of the Holy Communion and of the Offices. The Plainsong was prepared by students at General Theological Seminary under the direction of Ray Francis Brown. The Anglican settings were prepared by a small choir of mixed voices directed by Harold Wells Gilbert of Philadelphia, Pa. This recording is issued with the approval of the Commission, under whose instruction the music was prepared.