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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2013-CP-18-00013

The Protestant Episcopal Church
in the Diocese of South Carolina et. al.. . . . . Respondents,

v.

The Episcopal Church (a/k/a The Protestant
Episcopal Church in the United States of
America) and The Episcopal Church in South Carolina. . . . . Appellants.

RECORD ON APPEAL - Volume 3

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MR. TISDALE: No questions, Your Honor.

THE COURT: Okay. Is there any redirect?

MS. GOLDING: None, Your Honor.

THE COURT: Very well. You may step down.

Call your next witness, please.

MR. RUNYAN: Plaintiffs call Nancy Armstrong.

NANCY ARMSTRONG,

being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. RUNYAN:

Q. Ms. Armstrong, would you state your name again for the record?

A. Nancy J. Armstrong.

Q. And where do you live?

A. I live in Summerville, South Carolina.

Q. Where do you work?

A. I am an employee of the Diocese of South Carolina.

Q. What's your position there?

A. My position is assistant treasurer.

Q. How long have you had that position?

A. 21 years.

Q. Prior to that what did you do?

A. Prior to that I took a little time off to be with my infant son. The job before that, I served for 11 years as the vice president for finance and administration for an interstate trucking company. Prior to that I was a United

States Marine.

Q. At my request did you look at the records, the financial records, of the Diocese of South Carolina in order to determine two things: How much money you could tell that the Diocese of South Carolina had given to the Episcopal Church and how much money you could trace from Episcopal Church entities that may or may not be related but came through their office?

A. Yes, I did.

Q. All right. First of all, with respect to monies paid to or given to the Episcopal Church, the national church, for what period of time did you look at the records?

A. I looked at them all the way back to the beginning of the diocese.

Q. And how much money did you determine had been voluntarily given to the national church during that period of time?

A. $6,341,948.

Q. And has that amount of money been adjusted at all for inflation, those are just raw numbers?

A. Raw numbers.

Q. All right. And did you try to determine how much money had been received, first of all, from the Domestic and Foreign Missionary Society?

A. Yes.

Q. All right. First of all, did you determine whether any grants had been received?
A. Yes.
Q. How much was the total amount of grants that you were able to locate for the same time period that you looked for what had been paid to the Episcopal Church?
A. 729,268.
Q. Did that include loans?
A. Yes.
Q. Did that include monies that did not on their face come from the Domestic and Foreign Missionary Society?
A. Yes.
Q. Let's just talk about the Domestic and Foreign Missionary Society. How much in grants did you discover in that process?
A. 127,730.
Q. And how much of that money actually made it to a parish in this diocese?
A. 20,629.
Q. And how much of that money actually made it to the diocese itself?
A. 54,100.
Q. And how much of that $127,000 went to the community or third-party individuals?
A. 53,000.

Q. Okay. Did you discover any other DFMS funds labeled as gifts?
A. Yes.
Q. How much was that?
A. 5,000.
Q. Did any of that money go to any parish in the diocese or to the diocese itself?
A. No, it did not.
Q. Did you discover any other money that was referred to as loans to churches?
A. Yes, I did.
Q. And how much was that?
A. 25,000.
Q. Did any of that money go to the Diocese of South Carolina?
A. No, it did not.
Q. Did the 25,000 go to any parish within the Diocese of South Carolina?
A. Yes.
Q. And how much went to the parishes?
A. Total money out of all of the grand total that went to all the parishes?
Q. No. The loan.
A. Just the loan. 25,000.
Q. And to one parish or more than one?

A. Just to one.
Q. What was the name of the parish?
A. That was St. Helena's in Beaufort.
Q. Okay. And that was a loan?
A. Yes, it was.
Q. Do you know what the rate was?
A. I do not.
Q. Okay.
A. But I did confirm with them that they did receive it.
Q. Okay. Was it paid back?
A. Yes.
Q. Did you find monies that were given through the office of the DFMS but actually came from the United Thank Offering?
A. Yes.
Q. What is the United Thank Offering?
A. The UTO is an organization with its own board who -- that raises funds separately and they make grants that are applied -- the people applying for the grants go through the diocese to receive for community improvement and that sort of thing.
Q. You said raises money separately. What did you mean by that?
A. The United Thank Offering raises its own contributions.
Q. Okay. And how much money during that period of time was received as a United Thank Offering grant?

A. 230,938 in total.
Q. Did any of that money go to the Diocese of South Carolina?
A. No.
Q. Did any of that money go to a parish or two within the Diocese of South Carolina?
A. Yes.
Q. How much went to a parish within the Diocese of South Carolina?
A. 58,000.
Q. Did that go to one or more parishes?
A. Several.
Q. Are any of those parishes not a part of this lawsuit?
A. Yes.
Q. Which ones?
A. Calvary Church, St. John's Chapel.
Q. Of the $230,938 in grants from the United Thank Offering, how much of that money went to third parties unrelated to the Diocese of South Carolina?
A. 172,938.
Q. Did you discover any monies that came through the diocese from the presiding bishop's fund for world relief?
A. Yes, I did.
Q. And how much did you discover?
A. 340,600.

Q. Did the Diocese of South Carolina get any of that money?
A. Yes -- no, not the diocese itself, no.
Q. Was any of that money sent to churches within the Diocese of South Carolina?
A. Yes.
Q. How much?
A. 65,000.
Q. Of the $340,600 how much went to entities other than the diocese and the parishes within the diocese?
A. 275 -- 275,600.
Q. Does that money include some money for Hurricane Hugo?
A. Yes, it did.
Q. And how much was that?
A. 145,000.
Q. And how much of that money went to a parish or parishes within the Diocese of South Carolina?
A. All of it.
Q. To a parish --
A. None of it went to the diocese and I'm not sure about the split of the 145,000.
Q. Okay. Well, did any more than 65,000 within the 340,000 go to the parishes?
A. No.
Q. Okay. Thank you.
Okay. Did I ask you to figure out the ratio of the

amount of money that was given to the Episcopal Church versus the amount of money assumed in toto to come from them?

A. Yes, you did.

Q. What is the ratio of that?

A. 117 to 1.

Q. How does that work out in terms of a percentage?

A. It's a pretty tiny percent.

Q. Does .8 percent sound right?

A. .8.

Q. Of the total receipts received that you were able to find in your records through the office of the DFMS, what percent went to entities that are neither parishes or the diocese itself?

A. 69 percent.

Q. 69.46?

A. .46 percent.

Q. Have you prepared a summary of the information that you did and to which you have just testified?

A. Yes, I did.

(Plaintiff's Exhibit DSC-75 marked for identification.)

Q. I show you what's been mark for identification as Plaintiff's Exhibit 75. Can you tell me what that is?

A. This is the spreadsheet that I prepared which summarized all of my research.

Q. Is that a summary of what you've just testified to?

A. Yes, it is.

MR. RUNYAN: We would offer it in evidence.

MR. TISDALE: What exhibit number, please?

MR. RUNYAN: 75.

THE COURT: Any objection?

MR. TISDALE: No objection, Your Honor.

THE COURT: Any objection?

MR. BEERS: No, Your Honor.

THE COURT: Very well. 75 is in evidence without objection.

(Plaintiff's Exhibit DSC-75 admitted into evidence.)

Q. Just a final couple of questions, Ms. Armstrong. In this process of review did you and persons working with you actually look through all of the journals of the Diocese of South Carolina?

A. We did.

Q. And this is what you came up with?

A. Yes.

MR. RUNYAN: That's all I have.

THE COURT: Cross-examination.

CROSS-EXAMINATION BY MR. BEERS:

Q. Ms. Armstrong, my name is David Beers. I represent the Episcopal Church. Just to clarify, if you look at the -- do you have the Exhibit in front of you?

A. Yes, I do.

Q. Look at the -- just to the right of the middle of the page. The column says "Total Received Through the Diocese." Could you explain to me what you meant by that?
A. It means that the money was sent to us, deposited into our account, and we disbursed the funds accordingly.
Q. All right. And then two columns over you say "Sent to other community entities or individuals."
A. Mm-hmm.
Q. Can you give me any rough idea, certainly not all of them, but how about some examples?
A. Sure. Let me look at my notes if you don't mind.
Q. Sure.
A. Some of that money went for hurricane relief to various organizations in the area. Some went to the South Carolina Christian Action Council. Some went to Camp Baskerville.
Q. That's enough. I mean, you may continue, but that's all I need. But who made the -- well, sorry. Let me start again. I apologize.

Some went to Hugo relief?

A. Yes.
Q. Can you just give me an example of an entity that would receive the money from the Hugo relief?
A. Sure. Camp Baskerville did receive a good bit of that, Calvary Church got some of that.
Q. Okay. And who made the decision to send it to

Baskerville?

A. I'm not sure. Looking at the --

Q. I don't mean what individual. Was it made by somebody in the diocese?

A. I believe it was.

Q. So go back to that first column, the total received through the diocese. And you said that includes money that was sent to the diocese and then the diocese sent it on to somebody else?

A. Correct.

Q. And the decision of the somebody else was made by somebody in the diocese?

A. Some of these grants were applied for in the name of a particular church or another community entity, but in the case of Hurricane Hugo some of that money was sent as like a block grant, a flat amount of money, and then we accounted for that back. And it all went to -- all went to organizations that were impacted in the community.

MR. BEERS: Thank you very much. That's all I have, Your Honor.

THE COURT: All right.

Mr. Tisdale?

MR. TISDALE: Thank you, Your Honor. I don't have any questions.

THE COURT: All right.

REDIRECT EXAMINATION BY MR. RUNYAN:

Q. Ms. Armstrong, one final question. For the most part in these grants do they have a designated entity that they're supposed to go to?

A. Yes.

Q. And for the most part when we're talking about third party money, that designated entity was on the grant from the DFMS?

A. That is correct.

Q. And you administer it?

A. Yes.

MR. RUNYAN: Thank you. That's all I have.

THE COURT: All right. Recross? None.

Feel free to go. Thank you.

Call your next witness, please.

MR. RUNYAN: Your Honor, at this time we would call the Right Reverend Mark Lawrence.

THE COURT: Very well.

MR. RUNYAN: Could it be possible to take a lunch break right now or would you like to keep going?

THE COURT: You have two choices. And you're welcome to caucus and tell me what it is that you want to do. I have an obligation and I'm going to leave at 2 o'clock. You may choose to go for an hour and then you can work on your documents, as you all tell me. You all don't tell me, the

defendants tell me that they need more time to work with the parishes with regards to documents. You may have that time to work with the documents. But I have a commitment which I'm going to honor. I'm going to be leaving at 2 o'clock. If you wish, you may start your document review after lunch at 2 o'clock and then we will take this witness up in the morning. I don't care which.

MR. RUNYAN: That would be our preference, Your Honor.

THE COURT: Okay. Do you all want to caucus and let me know?

MR. TISDALE: I think that's fine, Your Honor. I mean, he was not on the list of witnesses for today so --

THE COURT: This is reply. I presume he is replying to something that was raised.

MR. TISDALE: I understand that. But I was just saying he wasn't on the list. So to have until tomorrow would be helpful.

MR. RUNYAN: That is correct.

MR. TISDALE: That's all. And I think Mr. Runyan agrees.

THE COURT: Very well. We'll start in the morning at 9:30. Those of you who have any issues with regards to documents, you cannot go to lunch, but please do everything you can to resolve whatever issues remain with regards to documents so that we can hopefully end that process tomorrow.

And I will see you all in the morning at 9:30.

MR. TISDALE: Thank you, Your Honor.

--- END OF TRANSCRIPT OF RECORD ---

VOLUME XIV

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

COURT OF COMMON PLEAS
CASE NO. 2013-CP-18-00013

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA, THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH IN SOUTH CAROLINA, A SOUTH CAROLINA CORPORATE BODY, ET AL.,

Plaintiffs,

vs.

THE EPISCOPAL CHURCH, (A/K/A THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA); THE EPISCOPAL CHURCH IN SOUTH CAROLINA,

Defendants.

TRANSCRIPT OF RECORD

JULY 25, 2014
ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
Official Court Reporter

(Plaintiff's Exhibits DSC-76 through DSC-79 and DSC-80A and DSC-80B premarked for identification.)

THE COURT: All right. If you'd call your witness. I think that's where we ended yesterday.

MR. RUNYAN: Your Honor, we had one issue that I mentioned to Mr. Tisdale this morning. Because our next witness will be our last witness, and they have not closed their case yet, we need some finality on that so we know whether we have to call somebody else, so I'm just asking if their case is over.

MR. TISDALE: Your Honor, except for the processing of the documents, we have no further testimony to present. And except for working out all the documentary evidence, we --

THE COURT: And all the documentary evidence beyond the 30(b)(6), and there may have been one or two documents that we were still trying to get legibility issues resolved, other than those documents, what other documents are --

MR. BEERS: We have to admit the diocesan journals and we've worked out an agreement with everybody on that. It's a question of making the record clear.

THE COURT: I think they need to know what additional that they aren't anticipating might there be.

MR. TISDALE: Your Honor, we have a very brief thing that doesn't have anything to do with another witness, I don't think, but Ms. Golding, she's gone over Bishop

Lawrence's deposition, which we put into evidence, and she -- there's just one point that we need to get resolved on that at some point. And that's all there is. It doesn't have anything to do with the case other than that. We don't have any more testimony or documents other than what have been mentioned.

MS. KOSTEL: And there's one final thing: On the parish-specific exhibits that we went through parish by parish, we're ready to submit them, but in putting together the hard copies we found that we couldn't locate some so we're withdrawing several of them. And I think I probably need to put that into the record and also note for the record -- I'll do it at the time -- that as to the consecration documents which were marked for identification only, it's our judgment that there are other consecration evidence that's been marked for identification in the 30(b)(6), and so this was duplicative so we pulled them out of here. But I need to make that record.

THE COURT: We'll just clean that up.

MS. KOSTEL: Yes.

THE COURT: Okay. Just so everyone is clear and we have some organization as we get to towards the conclusion, it is my understanding that I should anticipate the 30(b)(6) depositions that I have been -- that I know that Mr. Beers has been working with the different parishes, that I should

anticipate those depositions.

MR. BEERS: That will not take long, Your Honor.

THE COURT: Okay. And you've been working through whatever objections, and any that aren't resolved, I will handle. I will handle the objection that is in Bishop Lawrence's deposition --

MS. GOLDING: That's correct.

THE COURT: -- which I understand is primarily one. Additionally there's going to be some clean up of some exhibits that have perhaps been in and there needs to be a tweak here and there.

MS. KOSTEL: Yes, Your Honor.

MR. BEERS: There's a tweak with the diocesan journals, but it's consented to.

THE COURT: Exactly. Thank you. But those should conclude the documents and the evidence with regards to the defendants. Yes?

MR. TISDALE: That is correct.

THE COURT: All right.

MR. BEERS: Because we're still negotiating some of the diocesan journals, we're probably going to have to make a new set -- no. I'm sorry. We're still negotiating on the 30(b)(6). We had made copies, hard copies, but we'll either have to mark them or just get another copy, get another set copied.

THE COURT: I understand. We'll figure out how to do that. It very well may be, but we'll leave the record open for the receipt of that.

MR. BEERS: Right. But the record will be clear as to what's in and what's out.

THE COURT: Yes, yes. Got it.

MR. RUNYAN: Your Honor, I understand there is an -- Exhibit 512, I believe, Defendant's Exhibit 512, is a Book of Common Prayer. I don't see it here. Is that --

MS. ST. ARMAND: It's right here. It just hasn't made its way over there yet (indicating).

MR. RUNYAN: All right. Okay. That was my last question.

THE COURT: Okay. So now you are prepared to call your final witness?

MR. RUNYAN: I am, Your Honor.

THE COURT: Okay.

MR. RUNYAN: Plaintiffs call the Right Reverend Joseph Mark Lawrence.

MARK JOSEPH LAWRENCE,

being first duly sworn, testified as follows:

THE COURT: And if you'd be so kind as to state your full name for the record again and spell your last name, we're going to use this, again, as a sound check.

THE WITNESS: Mark Joseph Lawrence, L-A-W-R-E-N-C-E.

THE COURT: Your witness.

DIRECT EXAMINATION BY MR. RUNYAN:

Q. Good morning, Bishop.

A. Good morning.

Q. Would you please tell the Court where you live?

A. I live in Charleston, South Carolina.

Q. And have you lived here all of your life?

A. No.

Q. Where were you born?

A. I was born in Bakersfield California, fifth-generation Californian, which is nothing here but in California that's roots.

Q. Okay. Did you go to school in California?

A. I did.

Q. Where did you go?

A. I went to the Bakersfield school system. And then I graduated from Cal State University in Bakersfield. And then I went to Trinity Episcopal School for the Ministry, where I received a Master of Divinity degree.

Q. Are you married?

A. I am. My wife, Allison, we've been married since 1973. We have five children, 15 grandchildren, and the 16th one is there in the womb of her, our youngest daughter, who's in the first row.

Q. Bishop, where are you presently employed?

A. I'm employed in South Carolina with the Diocese of South Carolina.

Q. Are you the 14th bishop of the Diocese of South Carolina?

A. Yes, I am.

Q. We have heard testimony that in order to become the 14th bishop of the Diocese of South Carolina you, along with others, were interviewed. Were you in fact interviewed by members of a search committee and the standing committee?

A. Yes, I was.

Q. During the course of any of those interviews did anyone ask you whether you would be willing to take the Diocese of South Carolina out of the Episcopal Church?

A. No.

Q. Did you intend to take the Diocese of South Carolina out of the Episcopal Church?

A. Absolutely not.

Q. Bishop, at some point after your election, as you were doing duties of the bishop, were issues raised of which you were aware about whether the national church, through its general convention or otherwise, had the right to control a diocese?

A. Yes.

Q. And did you participate with other bishops of the church in adopting a statement on that issue?

A. Yes, I did.
Q. I'm going to hand you what's been marked as Plaintiff's Exhibit 76 for identification. Is that the statement?
A. That is the statement of polity of the Episcopal Church. And my name is listed on the front page along with others.
Q. And does this set forth some of the positions that you took on whether the Diocese of South Carolina is or is not subordinate to the national church?
A. It does represent that.
MR. RUNYAN: Move it into evidence.
THE COURT: Any objection?
MR. BEERS: No, Your Honor.
MR. TISDALE: None, Your Honor.
THE COURT: Very well.
MS. KOSTEL: The number?
MR. RUNYAN: 76.
THE COURT: In evidence without objection.
(Plaintiff's Exhibit DSC-76 admitted into evidence.)
Q. I'd like you to just walk us through, briefly, the duties of a bishop with jurisdiction; but, first of all, I'd like for you to just describe what a bishop with jurisdiction is.
A. A bishop, coming from the Greek word "episkopos" or "episcopoi," whether it's singular or plural, is an overseer of a body of gathered congregations and people that is the

basic unit of the church and has for innumerable centuries been the basic unit of the church. So the bishop is the overseer.

Q. And as the 14th bishop of South Carolina, between your election and consecration in October of 2012, would you just tell the Court the kinds of things that you would do as a bishop with jurisdiction involving church matters?

A. Well, I am the chief pastor of the congregation, so I shepherd, pastor, nurture the clergy, priests and deacons. I visit congregations, celebrate the sacrament, baptize, confirm people. I help congregations that do not have a rector or a pastor to find some. They elect their pastor of their parish, but I approve of them or confirm that election. I appoint clergy to mission congregations, those congregations that are unable to afford a full-time priest. I send letters dimissory of priests transferring from the Diocese of South Carolina into another diocese. I receive letters dimissory. I sign documents for a priest seeking retirement and wanting his or her church pension fund to begin. I preside at conventions. I'm the president of the convention of the diocese when it meets. I sign documents on behalf of the diocese, legal and ecclesial. Those are some of the things.

Q. Just a question about letters dimissory. Does that have reference to the transfer of a priest to you or from you in

terms of jurisdiction over that priest?
A. Yes, when a priest seeks to be transferred from, let's say, the Diocese of South Carolina to the Diocese of Springfield, that priest will make a request of me to send a letter dimissory and then I send that letter. And then the corresponding bishop of the Diocese of Springfield or the Diocese of Albany or whatever it might be, that bishop then sends to me a recognition that they have received that person.
Q. Bishop Lawrence, I want to take you back to a convention of the Diocese of South Carolina in October of 2010. Did the convention of the Diocese of South Carolina vote to amend its articles of incorporation?
A. Yes, it did.
Q. And as a result of that did you in fact sign an amendment that was filed with the Secretary of State?
A. I did.
Q. Did you sign as an officer of the corporation?
A. Yes, I did.
Q. And after the signing of that document until we'll take it up to October of 2012, did you continue to do the job that you have done as bishop, as a bishop with jurisdiction?
A. Yes, I continued to do the job.
Q. And when letters dimissory were sent to another jurisdiction, were they in fact received?

A. Yes, they were.
Q. And were the priests transferred on the records of the Episcopal Church?
A. Yes, I assume they would have been.
Q. Bishop, did you also from time to time between that time period attend meetings of the House of Bishops?
A. Yes, I did.
Q. About how frequently did they meet?
A. The House of Bishops often meets twice a year. Every three years it meets at the general convention of the Episcopal Church.
Q. And on occasion at House of Bishops meetings are votes taken of the bishops on various issues?
A. Yes. There's often a business session at each gathering of the House of Bishops.
Q. Between October of 2010 and October of 2012 did you on occasion vote when required at these meetings?
A. I certainly did.
Q. Was your vote counted either for or against the proposition?
A. Yes, it was.
Q. Did you attend the convention of the -- the general convention in the summer of 2012?
A. I did.
Q. Were you called as a member of the bishops, called

during the roll call?
A. I was.
Q. Did you have the opportunity to speak to issues?
A. I spoke to several.
Q. Were you given seat, voice, and vote?
A. I was.
Q. Did you in fact vote?
A. I did.
Q. Let's go to September-October of 2012, if we could. Did you receive a request from the standing committee for an interpretation of the constitution and canons as the ecclesiastical authority of the diocese?
A. Yes. I received it in mail.
Q. I'm going to hand you what's already been marked as Diocese Exhibit 2.

MR. RUNYAN: If you'd put this on the screen, the last page of Canon 37.

Q. Bishop, would you just read that canon, please, sir.
A. Canon 37 of the Ecclesiastical Authority. The ecclesiastical authority of the Diocese is the Bishop. If there is no Bishop, the standing committee is the ecclesiastical authority. The ecclesiastical authority of the Diocese, with the advice and counsel of the Chancellor, is the sole and final authority with respect to any dispute concerning the interpretation of the constitution and the

canons of this Diocese, and its interpretations shall be final and binding in all respects.

Q. And pursuant to that canon did you in fact issue such an interpretation that is Exhibit 77 for identification (indicating)?

A. Yes, the interpretation of the constitution and canons by the ecclesiastical authority of the diocese; has my signature on the last page.

MR. RUNYAN: Okay. I'd offer that in evidence.

MR. TISDALE: No objection, Your Honor.

MR. BEERS: No objection.

THE COURT: Very well.

(Plaintiff's Exhibit DSC-77 admitted into evidence.)

Q. Okay. Let's go to October the 15th, 2012. Were you scheduled on that day to have a conversation with the presiding bishop?

A. Yes. We had arranged for a phone call on that day with her chancellor being on the line and my chancellor being on a telephone line.

Q. So there were four of you?

A. Correct.

Q. One of those was Mr. Beers?

A. Yes.

Q. And one of those was Wade Logan?

A. Correct.

Q. And one of those was Katharine Jefferts Schori?
A. Yes.
Q. And yourself?
A. Correct.
Q. Bishop, a preliminary question: Prior to that phone call did you have any knowledge at all that there was a complaint against you in the fall of 2012 or that there had been any sort of finding by the Disciplinary Board for Bishops that a charge would be preferred against you for the charge of abandonment?
A. I had no knowledge of that.
Q. And between September 17th, which the record will reflect is the date of that document, and October the 15th, the date of your phone call, had you had the opportunity to be in the presence of the presiding bishop?
A. Yes. I met with her at the national church office in New York.
Q. Of what day?
A. October 3rd.
Q. Approximately how long was the meeting?
A. I will guess probably about two hours.
Q. At any time during the two hours were you informed of the existence of the document known as a certification of abandonment signed presumably on September 17, 2012?
A. I was told nothing about such a thing.

Q. Did you on October the 15th ask a question of the presiding bishop related to that issue?
A. Yes. She said that she had received it on October 10th. I asked her if she had received it at that time or she discovered or learned about it at that time, and she said she received the document at that time.
Q. Okay.
A. I didn't push it.
Q. Now, Bishop, after that discussion -- were you informed during that discussion also about her intent to issue a restriction of your ministry?
A. Was I informed in the conversation on the 15th?
Q. Yes.
A. Yes, she informed me of that.
Q. All right. And to this day have you ever been served with a signed restriction of your ministry by the presiding bishop's office?
A. I have never been served.
Q. To this day have you ever been served with the certificate of abandonment together with its attachments?
A. I do not believe I have.
MR. RUNYAN: Your Honor, at this time I would like to publish portions of Defendant's Exhibit 203, which is the Constitution and Canons of the Episcopal Church for 2009. The portion that I would publish is on Page 161, is a part of

the canon on ecclesiastical discipline, Canon 4, Section 19, Subsection 20. "Notices or other papers to be served according to procedures of this Title shall be deemed to have been duly served if a copy is delivered to the person to be served, is left with an adult resident of the abode of the person to be served or is mailed by certified mail to the person's usual place of abode. Notice by publication shall be made in a newspaper of general circulation in the jurisdiction of the person's usual place of abode. Acceptance of service renders unnecessary any further process."

Were you served in that fashion, Bishop?

MS. KOSTEL: Excuse me. Your Honor, I'd like to just preserve for the record objection to this line of inquiry. I understand Your Honor's ruling of yesterday and would respectfully like to preserve for the record my objection to going into the question of whether the church's processes were followed, just preserving for the record, understanding Your Honor's ruling on that issue.

MR. TISDALE: We would, of course, join that objection.

THE COURT: I want the record to be clear that the reason that this inquiry is important is for the purpose of the Court's ability to be able to determine at some point whether the actions that were taken by Bishop Lawrence pursuant to the civil law of the State of South Carolina were

taken in his capacity as a managing agent. The relevance of this information goes to that.

MS. KOSTEL: Thank you, Your Honor.

MR. TISDALE: Your Honor, I just wanted to be certain the reporter got that we joined in that objection and we appreciate your ruling on it.

THE COURT: You may proceed.

Q. Bishop Lawrence, after the --

A. I don't know if I answered that question.

Q. Oh, I'm sorry.

A. Could you restate it?

THE COURT: That happens every single time that there's that interruption between question and answer.

THE WITNESS: I think I remember it well enough. I have no recollection of that being fulfilled.

Q. Okay. Thank you, Bishop. After the conversation on October the 15th and the disassociation of the diocese from the Episcopal Church, did you continue to function as bishop?

A. I did. I went to my normal visitation that Sunday and did confirmation as usual. I signed letters dimissory, I signed documents for the Church Pension Fund, for the retirement of clergy persons, I presided at a convention, various things.

Q. Okay. I'm going to hand you what's marked as Plaintiff's Exhibit 78 for identification. Hang on just a

minute and I'll ask you a question about that.

Could you identify that exhibit, Bishop?

A. Yes. These are letters dimissory. First one --

Q. Let's not get into the details. Could you tell us what date you signed these letters on that are in front of you?

A. The first one is November 26th. The second one is an acceptance of a letter dimissory.

Q. Hang on just a second. November 26 in what year?

A. 2012.

Q. Okay. And the second one is what?

A. The acceptance of a letter dimissory from another diocese.

MR. RUNYAN: Let's stop right there before we get into it. I'd move this in evidence.

THE COURT: Plaintiff's 78. Is there any objection?

MR. TISDALE: No objection, Your Honor.

MS. KOSTEL: One moment, please. Thank you.

MR. BEERS: No. Go ahead. Sorry.

THE COURT: Very well, 78 in evidence without objection.

(Plaintiff's Exhibit DSC-78 admitted into evidence.)

Q. Bishop, are these letters dimissory the types of things that you had been doing since you were first elected and consecrated as a bishop?

A. Yes, they are.

Q. Anything different about these than the others other

than the fact that they're dated in November 2012?
A. No. They look the same.
Q. Were letters dimissory issued after the convention of the special convention of the diocese in November of 2012?
A. One -- two were and two were before the one on November 17th.
Q. Have you ever been informed by anybody with the Episcopal Church or with the dioceses to which these letters are directed or from which they were received that the transfers did not occur?
A. No.
Q. Bishop, after the convention, special convention, in November of 2012, in early December did you receive something from the presiding bishop's office?
A. I first received a phone call from the presiding bishop, I believe it was on December the 5th, informing me that I had -- she had accepted my renunciation of orders, and then a letter came signed by her and to I believe two attending bishops.
Q. I hand you Plaintiff's Exhibit 79 for identification and ask you, is that the letter to which you refer?
A. Yes, it is.
MR. RUNYAN: Offer it in evidence.
MR. BEERS: For the record, Your Honor, I join Ms. Kostel's objection to this on the same grounds, that it's

beyond the scope, permissible scope, in this proceeding and has no relevance to the current proceeding. But I understand Your Honor has ruled.

THE COURT: Well, I haven't ruled.

MR. BEERS: Sorry.

THE COURT: I haven't ruled on that.

MR. BEERS: I think it raises the same issue that Ms. Kostel raises.

MR. RUNYAN: Actually, this is a finding. This is a finding of an official of the Episcopal Church. I'm not sure --

MR. BEERS: That's not our objection. Our objection goes to relevance.

MR. RUNYAN: Relevance. Okay.

MR. TISDALE: We have no objection to it.

THE COURT: Thank you, Mr. Tisdale.

MR. BEERS: Excuse me, Your Honor. With all due respect, Ms. Kostel has just instructed me to withdraw my objection.

THE COURT: Very well.

(Plaintiff's Exhibit DSC-79 admitted into evidence.)

Q. Bishop Lawrence, would you look at this exhibit, please, sir, and, first of all, tell us the date?

A. It is dated December the 5th, 2012.

Q. And would you look at the fax line at the top and tell

us what is the date on the fax line?
A. 12/06/12, December the 6th, 2012.
Q. Do you recall receiving that document on or about December 5th or 6th?
A. I do not recall when I received it.
Q. You don't dispute that you did in fact receive it at some time?
A. I did receive it, yes.
Q. Is it signed by anybody on behalf of the Episcopal Church?
A. It's signed by Katharine Jefferts Schori, presiding bishop; signed by, looks like, Dean Wolfe, who I believe is the Bishop of Kansas; and it looks like it's signed by Wayne Smith, and I forget where Wayne Smith is the bishop. It's the Midwest.
Q. Bishop, I'm going to ask you to read, if you would, the first paragraph. Well, first of all, read the title, if you would, please.
A. Renunciations of Ordained Ministry and Declaration of Removal and Release.
Q. Okay. Would you read the first full paragraph that comes under that heading?
A. In accordance with Title III, Canon 12, Section 7 of the Constitution and Canons of the Episcopal Church and with the advice and consent of the Advisory Committee to the Presiding

Bishops, I have accepted the renunciation of ordained ministry of this church made in writing on November 17th, 2012, by the Right Reverend Mark Joseph Lawrence, Bishop of South Carolina.

Do you want me to continue?

Q. No. You can stop right there. I'm going to hand you two more documents mark for identification as Plaintiff's Exhibit 80A and 80B. Hold on just a minute and I'll have a question for you.

MR. TISDALE: What is this exhibit number, Alan? I'm sorry.

MR. RUNYAN: 80A and B. For the record, these are parts of exhibits, Defendants 203 and 202, but they are just a couple of pages.

MR. TISDALE: Which one's which?

MR. RUNYAN: 80A is the 2006 excerpt from the Episcopal Church Constitution and Canons. 80B is the 2009 excerpt.

Q. Bishop, I believe these are substantially similar, so I'm just going to ask you to refer to 80B if you would.

A. 80B.

Q. Yes, 80B.

MR. RUNYAN: I would offer these in evidence.

THE COURT: As I understand, these are excerpts from documents which are already in evidence; is that correct?

MR. RUNYAN: That's right. I don't need to offer them.

MR. TISDALE: We certainly have no objection to it.

MS. KOSTEL: Right.

THE COURT: Very well.

(Plaintiff's Exhibits DSC-80A and DSC-80B admitted into evidence.)

Q. Bishop, if you would look at 80B, and I direct your attention to Section 7 entitled "Renunciation of the Ordained Ministry." The first thing I would like you to do is compare that to the other document that was sent to you by the presiding bishop and tell me if this is the correct section that she referenced?

A. Title III, Canon 12, Section 7, okay, yes.

Q. All right. I'm going to read this. And follow along with me if you would, please. "Renunciation of the Ordained Ministry."

A. All right. I do not see where you are -- okay. I see, yes.

Q. Subsection (a): If any Bishop of this Church shall declare, in writing, to the Presiding Bishop a renunciation of the ordained Ministry of this church, and a desire to be removed therefrom, it shall be the duty of the Presiding Bishop to record the declaration and request so made. The Presiding Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, assigned or known, which do not affect the person's moral character,

shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council the Presiding Bishop may pronounce that such renunciation is accepted, and that the Bishop is released from the obligations of all Ministerial offices, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed."

My question, Bishop, is: Did you before December 5, 2012, declare in writing to the presiding bishop your desire to renounce the ordained ministry of the Episcopal Church and to be removed therefrom?

MR. BEERS: Excuse me, Your Honor. We object on the grounds that this is impermissible to examine into the operation of the denomination's disciplinary process. I believe you ruled in essence that -- overruled that sort of objection in the past, but I just want to make it for the record.

MR. TISDALE: We would join that, please, Your Honor.

THE COURT: I don't understand what you've just said, that I have overruled that objection in the past. I haven't

seen this document so how could I have overruled that.

MR. BEERS: I'm just talking about the grounds, Your Honor. Well, let me just state it for the record and let's move forward. We think that -- we believe that it is not permissible for this Court to -- it is not relevant to any issue in this case of how the denomination's disciplinary process is carried out.

THE COURT: I understand.

Yes, sir, Mr. Runyan.

MR. RUNYAN: I simply am asking a person with knowledge who is involved in that scenario if he did what he needed to do under their constitution and canons to accomplish that result. I'm not disputing the fact that the church issued what it issued, and I'm not trying to go behind it except to get his testimony about his participation or lack thereof in that event, and I think it's relevant for that. I think it's appropriate.

MS. GOLDING: It just goes to credibility.

MR. RUNYAN: It goes to his credibility, if nothing else.

THE COURT: Well, there were a couple of things, and I want to talk about them. As you know, Pearson says that the Court is bound to accept a determination of the highest authority with regards to ecclesiastic or religious determinations. And if you're asking me to accept this with

regards to credibility, then what, of course, you're doing is putting his character in issue, and it would necessarily have to be in that context under the Rules of Evidence. The calvary has arisen.

MS. GOLDING: Your Honor, it's not as to credibility of the witness, it's only as to credibility of the defendant national church. Mr. Runyan is not going behind the December 5 final position of the national church. We're not seeking any change in that. We're just going to the credibility of that defendant national church with respect to the question and that answer.

THE COURT: Let me ask this question, because this is the only possible relevance that it has in light of Pearson: Let me assume just for purposes of argument that this is a fraudulent procedure. Pearson, I'm concerned, says even though it is a fraudulent procedure -- and I make no finding that it is, I only make that comment for the sake of argument -- I still think that Pearson says I am bound to accept it. But I ask this question, and it's this: Are there documents which were executed by Bishop Lawrence for which the plaintiffs claim authority for him to execute that were in fact signed after the date reflected here.

MR. RUNYAN: There may be some, Your Honor. I believe there were some retirement documents. But our purpose is to close the door on the period during which he unquestionably

had good standing. And this is evidence of when that door could have been closed, in Your Honor's interpretation, because prior to this time there really was no issue within the church based on his behaving as a bishop with jurisdiction as to his good standing.

MR. BEERS: I didn't hear the last words.

THE COURT: Just based on my prior rulings is what he said, sync.

MR. BEERS: Thank you.

THE COURT: Let me ask this question because actually I know that we are within the critical time period: Tell me, when was the vote to alter the constitution articles or the articles of incorporation, I should say, and/or bylaws that remove the reference to the national church from the diocese. What is that operative date?

MR. RUNYAN: There were a sequence of them. The first would have been in October of 2010.

THE COURT: All right.

MR. RUNYAN: The first vote on the last one by the convention would have been November 17, 2012.

THE COURT: Yes. And the quitclaim deeds, what was the last execution date of the quitclaim deeds? How do you like that for a trick question.

MR. RUNYAN: It would have been sometime in November, I believe, of 2011.

THE COURT: Okay.

MR. RUNYAN: Your Honor, to keep the record clean I'll just withdraw the question.

THE COURT: I understand. But let me be clear, I'm a little bit concerned about the November the 17th date.

MR. RUNYAN: Well, he testified earlier that he had issued letters dimissory on November 26, which is after the date of that convention, and that they had been accepted in the ordinary course of the Episcopal Church's business. The purpose in putting in this last document, frankly, which they never chose to put in, was to show what act, if there was, that was valid by the Episcopal Church that actually brought to conclusion his ministry under the Pearson ruling.

I think it's relevant that the process used, which involved him personally, it required his personal action for that to happen, he didn't do that. It doesn't affect the Court's view of the final ruling, but it does affect the credibility of the Episcopal Church, which is an issue in this case.

MS. KOSTEL: Objection. I don't think the credibility of the church is in issue.

MR. RUNYAN: It's a party. I mean -- but that's all I have to say about that.

THE COURT: All right. Let me ask this question: The November the 17th date, by November the 17th, 2012, were all

of the actions that were taken to remove, to make the alterations that have been talked about, the amendments to the articles of incorporation and bylaws, constitution, all of those acts that were taken by the diocese, were they all taken as of November the 17th, 2012? And you can caucus if you need to, because it's an important question for me.

(Attorneys confer.)

MR. RUNYAN: Your Honor, under the -- I think the best way to put this is that the last act that he took, considering that to be an act of the church while he was in the Episcopal Church, would have been in November of 2012.

THE COURT: When in November?

MR. RUNYAN: 17, November 17. He may have signed something after that, but he presided over the convention November 17.

THE COURT: And what acts were taken during that convention relevant to the issues which are raised, which, of course, would be the alteration of either the constitution, bylaws, or the articles of incorporation.

MR. RUNYAN: The articles were amended two years before that. The canons of the diocese which had previously been altered to remove any reference to the 2009 Constitution and Canons and which had placed a supremacy clause in the constitution making any conflicting Episcopal Church constitution and canons with those of the diocese

inapplicable, that had all been done in October of 2010.

In November of 2012 all references in the canons to the Episcopal Church canons were removed and a vote was taken on removing the entire first paragraph, which would have taken out the supremacy clause and would have taken out any accession to the constitution of the Episcopal Church.

THE COURT: When?

MR. RUNYAN: That vote was taken on November 17th. In order to amend the constitution, Your Honor, there would have to have been a final vote taken on removing that first paragraph, and that vote would have been taken and was taken in March of 2013. The first vote was taken in November to remove that preamble. The second vote would have been taken in March 2013.

I would point out to the Court that the votes of the -- I want to get this right; I'm thinking back to the All Saints case -- the vestry had already been removed supposedly by Bishop Salmon prior to the congregation voting to leave, and that had no effect on the outcome of the case.

THE COURT: And I ask, based upon your review, is there a means provided to appeal a determination such as was made when the allegation might be, for example, fraud.

MR. RUNYAN: There is a 60-day provision, as I recall, that would have flowed from the presiding bishop's recording the charge made by the Disciplinary Board for Bishops which

would -- we don't really have a precise date but, according to her statement to Bishop Lawrence, would have been October 10, 2012.

There's also a provision that, by recollection, says that if there is a charge made against a bishop, this particular provision, the renunciation canon, may not be used. But now we're inquiring into the issues behind it.

THE COURT: All right. Pearson says that I have to accept the final determination when it comes to ecclesiastic determinations. And upon your suggestion to this point that there was potentially arguably, from your perspective, nefarious conduct that generated this document, Pearson doesn't allow me to look at that. I have to leave the church to its own determinations. As you know, religious bodies every day all over the world do terrible things to people. Our law gives me plenty to handle on the secular side and it is on the secular side that I intend to remain. And, therefore, this final determination I must accept.

MR. RUNYAN: There is one other issue, Your Honor.

THE COURT: Yes.

MR. RUNYAN: Under the case law of South Carolina and US Supreme Court, if a final determination is the product of collusion, that is a defense and does allow the Court to look at that issue. In our judgment, this entire process is relevant to the issue of collusion. There is a collusion

exception contained in the couple South Carolina cases. It's never been ruled on before and, frankly, it's never been ruled on by the US Supreme Court, but it is there.

And we believe that, especially given the fact that in November 2011 in public he was tried, he was supposedly -- charges were made against him that were substantially similar --

MR. BEERS: Excuse me, Your Honor.

MR. RUNYAN: I've got the floor, Mr. Beers.

-- charges were made that were substantially similar and were found not to have been worth proceeding, followed by this proceeding in secret, without his knowledge, charges were made and found to be adequate to go forward, followed by the absence of service, and then followed by using a procedure which is on its face defective, according to this witness' participation in it, is evidence of collusion, and collusion is a basis to avoid decisions of the highest body of a religious authority.

THE COURT: In that I absolutely have not anticipated this at all, I need those cases if you can share those with me, the citations.

MR. RUNYAN: I can. That would conclude the examination of Bishop Lawrence. Do you want me to provide the cases right this second?

THE COURT: Well, I need you to do that now, because I'm

stopping you from asking him further, for example, did you send that letter and were they included in the notebook.

MR. RUNYAN: They were not, Your Honor.

THE COURT: I didn't think so.

Mr. Beers, you wanted to speak to that, the issue of collusion.

MR. BEERS: Well, I was just trying to understand what was going on. It was a long -- maybe what Mr. Runyan was doing was making a proffer, but he was making a speech and alleging a lot of facts about the Episcopal Church that are not in evidence and it kind of took me by surprise and I didn't know -- maybe it was a proffer, Your Honor, that assuming he can prove all those things, then do the cases apply and allow you to make that ruling.

THE COURT: I think you're exactly correct.

MR. BEERS: Okay. Thank you.

THE COURT: I think what he was saying is that, Judge, if you were to allow it, this would be the evidence that we would offer. And collusion is an exception under both state law and under the constitution, I think you are exactly correct.

MR. BEERS: Thank you.

MR. RUNYAN: Okay. I'm going to reference two cases, Your Honor. The first -- and I don't know if these were the two I had in mind, but I found them quickly -- the first

older case is Hatcher v. South Carolina Council of the Assemblies of God, 267 --

MR. TISDALE: Could you speak a little louder.

MR. RUNYAN: -- 267 S.C. 107.

MS. KOSTEL: Could you give us the year on that, Alan?

MR. RUNYAN: 1976.

MR. HOLMES: Is it Southeast 2d?

THE COURT: No, that was S.C.

MR. HOLMES: Okay.

MR. RUNYAN: And it is a traditional quote that appears in a number of different cases down through the years that says the following on page -- in the Supreme Court Reporter 114: "In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise," and that's citing a United States Supreme Court decision that actually appears in a number of other decisions, including Presbyterian Church v. Hull, which is in the submitted cases as well.

And then following on in Pearson itself the same concept appears, and that would be on Page 50, 325 S.C. 50, and the quote is: "In a number of places in its Milivojevich opinion," M-I-L-I-V-O-J-E-V-I-C-H, "the Supreme Court made it

clear that Courts must accept in litigation the religious determinations of the highest judicatories" -- and, parenthetically, this was not a judicatory -- "of a religious organization." The judicatory would have been the House of Bishops. "The rule of action which should govern the civil courts...is, that, whenever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them," and the Court quotes Watson v. Jones and parenthetically quotes the following: "In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise."

As I said before, I know of no case in the country that has actually ruled on this issue. I do know the US Supreme Court has considered this trilogy of concepts and has ruled on the issue of arbitrariness but has never ruled on the issue of fraud or collusion.

THE COURT: Well, fraud and collusion as it relates to civil rights. And I gather the civil rights that you would

be referring to would be due process.

MS. KOSTEL: Your Honor --

MR. RUNYAN: Actually, well, I don't really know exactly. There are lots of different ways to look at this. But the Supreme Court of the United States has addressed the issue of arbitrariness, which is along the lines of what she was arguing; and that is, it doesn't matter if they really mess their procedure up or they were arbitrary or foolish, but nobody has addressed the issue of collusion or fraud. It's an open issue, it is a relevant issue, and this evidence is being offered on that open issue.

THE COURT: But with reference to the Pearson and then the Watson case, if you will, it's referring to where the issue involved is one of due process, I mean, civil rights. And it says, if you go back and read it, it says on the issue of discipline, and we'll leave it there, on the issue of discipline if there's fraud or collusion as it relates to the civil rights. I haven't read it but it's the way that I heard it. The issue is one of discipline.

The concern that you have is one, if you will, of due process, which is an issue of civil rights. In other words, if somebody's going to tell you you can no longer be a bishop and there is then a right of due process, then aren't we affecting the civil rights? In other words, I think that you've got to -- in order to raise the issue of collusion,

it's fairly limited.

MR. RUNYAN: I don't interpret it that way, Your Honor, with all due respect.

THE COURT: Go back and read the language in Pearson, I wish I had Pearson. I'm trying to put my hands on it.

MR. RUNYAN: I've read this phrase in the context of a lot of decisions, and it seems to be directed at the ecclesiastical decision that the person or entity desires the Court to adhere to because it's the highest one. So if it's arrived at arbitrarily, the US Supreme Court has said it doesn't matter. What the US Supreme Court and South Carolina Courts have not said, if it's arrived at through a process of collusion or fraud, that's an open issue.

THE COURT: Yes, yes.

MS. KOSTEL: And I would note, Your Honor, that we have not heard -- I don't believe we've heard fraud or collusion raised until today. And two points: So we believe that plaintiffs are foreclosed from putting on this kind of case. And if Your Honor believes that they should go forward, then we believe that we're entitled to a surreply to put on counterevidence, because this is the first time we've heard about collusion as a defense to our case.

THE COURT: I would sort of back into it and say I would absolutely completely agree with you with regards to surreply. That's the easy part. The more difficult part is

to take a look at the Pearson case, which I'm going to have to do myself.

And what a lovely time to take a morning break, give me a chance to do that. But for your informational purposes, you're absolutely correct, in the event that we would go there, you would have to be afforded that.

(Recess held.)

THE COURT: All right. Have you got something you want to say?

MR. RUNYAN: I do, Your Honor.

THE COURT: Okay.

MR. RUNYAN: I think the conversation, probably because of me, got lost in the weeds, so I'd like to restate the position that we have on this.

THE COURT: Okay.

MR. RUNYAN: I don't think as a matter of law from our position it matters civilly to the decision of the diocese and to the whatever standing Bishop Lawrence needed because I think the decision was made. I think the issues that we have been talking about are issues that relate to a position concerning what would happen if there were deference in South Carolina to a decision of the highest body in the Episcopal Church. We have an issue about that. But if there were such deference which might in turn affect the standing of the bishop, then this issue could relate to that. But under the

civil law of South Carolina I don't think it matters, and so for that reason I'm not pressing to ask the witness to answer the question. I still contend that it's relevant on that issue down the line, but I think, from our perspective, focusing purely on the civil law in South Carolina I don't think it matters. That's our position.

THE COURT: Let me clarify a couple things then because obviously when you raise the issue of fraud and collusion, my ears perk up. And clearly, both under United States Supreme Court and under Pearson and under our state law, and I guess I was not particularly prepared for it because I didn't know of it, but I do believe that if decisions are made and they are the result of fraud or collusion, that is a problem and the civil court can take a look at that. Not arbitrariness, I think the Supreme Court's taken arbitrariness out; but with regards to fraud and collusion, I have to reverse myself from what I said earlier. So an inquiry is possible.

So my question, though, is this: My question is -- and we talked a little bit about it, but let me just clear what's going on in my brain, and then I'll ask the questions that I need to ask. With regards to whether or not there is a challenge to the current analytical approach taken by the State of South Carolina -- and the defendants have wished and they have put some things in the record no doubt so that they will have an opportunity to challenge that potentially,

potentially, at some later date, and we've talked about that, and I think that they are absolutely entitled to do some of that. And they've done that, and I think they've preserved their ability to raise that issue. I think you've done likewise, based upon what you've already indicated. So I want to move that aside, that issue.

The question that concerns me, which is why I was asking you about the dates, because from the letter, which is now Exhibit No. 79, there was a renunciation on November the 17th, 2012, which would then mean that Bishop Lawrence may or may not have had authority to act as a managing agent of the corporation. Now, I said may or may not because I'm just coming to these issues. And so again I ask are there any documents that were executed or actions that were taken on November the 17th, 2012, or beyond that you believe have an effect on your argument that the diocese could and did end its accession with the national church.

MR. RUNYAN: Well, I'll give you a long answer or a short answer. The long answer is it didn't matter. The diocese had voted to leave, the standing committee had voted to leave as a board of directors. Under the civil law of South Carolina if they had -- if they were authorized to do that, it was done at that point. On November the 17th that action was affirmed. If you want to look at it as ratification, then the convention had authority to ratify at

that point. It doesn't really matter what Bishop Lawrence's standing was at that point.

However, to answer the Court's question, on November the 26th there was an action taken by Bishop Lawrence as a bishop in the Episcopal Church transferring -- receiving or transferring letters dimissory that was accepted by another diocese that was recorded in the books of the Episcopal Church. So he had standing as of November 26th, which is after November 17th. And then finally, the actual document, the way that on its face works, it happens when it's issued, not as of the date of the alleged renunciation, it's when it's accepted, and it was accepted by the presiding bishop on December the 5th.

THE COURT: This says I have accepted the renunciation made in writing. That was made in writing on November 17th.

MR. RUNYAN: Right. She accepted it on December the 5th. I don't think -- in the scheme of things I just don't think it matters either way, and I apologize for putting us in the weeds.

THE COURT: Okay.

MR. RUNYAN: We would withdraw the question, Your Honor.

THE COURT: Very well.

MR. RUNYAN: Thank you.

THE COURT: Cross-examination.

MS. GOLDING: Your Honor, may I have just a couple

questions?

THE COURT: I'm so sorry. Yes, ma'am.

DIRECT EXAMINATION BY MS. GOLDING:

Q. Bishop Lawrence, just for clarification, with respect to your attendance at the House of Bishops between 2010 and 2012, that was the national church's House of Bishops; is that correct?

A. That is correct.

Q. Okay. And in the summer of 2012 the general convention that you attended, that was the general convention of the national church; is that correct?

A. Correct.

MS. GOLDING: Thank you. No further questions?

THE COURT: All right. Now cross-examination.

CROSS-EXAMINATION BY MR. BEERS:

Q. Good morning, Bishop.

A. Good morning, Mr. Beers.

Q. Can we talk about Exhibit 76, which is the so-called bishops statement?

A. Yes.

Q. How many signatories were there?

A. 15.

Q. And how many were bishops with jurisdiction? Can you remember?

A. 11. I was counting them.

Q. Yes. And how many were bishops who no longer had jurisdiction?
A. If you'd asked me at the beginning, I could have had both of them at the same time.
Q. I just thought maybe you could remember whether one of them had retired or not.
A. I'll just count them for you, sir.
Q. Okay. Thanks.
A. Looks like three do not have -- four. No, three, three.
Q. Okay. Once more, how many all together of just the bishops signatures?
A. With jurisdictions or?
Q. No, together.
A. 15.
Q. All right. Now, how many bishops with the jurisdiction, round numbers now, Bishop, do you think there were in office at that time?
A. Probably somewhere between 100 and 110.
Q. All right. Thank you. And how many bishops are in the House of Bishops both those with jurisdiction and those who have, quote, retired or resigned, roughly?
A. Oh, I don't know. 200, 200 would not be an unreasonable guess.
Q. So could I try to coax you to about 275?
A. I would not dispute that.

Q. Okay. I heard you testify about the duties of a bishop including -- and the duties that you carry out. Do you remember that testimony?
A. Yes.
Q. Let's see if I've got them. Pastor?
A. Yes.
Q. And I take it you would agree with me that your commitments as a pastor are laid out in the ordination service of the prayer book?
A. They're laid out in the holy scriptures, in the Book of Common Prayer. And I could go on, but if that's sufficient.
Q. No, I understand. Visitations?
A. Yes.
Q. Celebrated visitations?
A. Yes. I mentioned that.
Q. Confirmation at visitations?
A. Yes.
Q. Dealing with parishes, what we sometimes call vacant parishes, parishes without rectors?
A. I mentioned that, yes.
Q. And the election or deployment of new rectors?
A. I mentioned that one.
Q. Letters dimissory?
A. Mentioned that.
Q. Retirement of rectors, retirement of clergy?

A. Correct.
Q. Pension Fund?
A. Yes.
Q. Pastoral letters did you mention?
A. Yes.
Q. Record of -- I don't know that you mentioned this: The requirement to keep a record of your official acts?
A. I do that.
Q. Now, all of that list, are there not canons in the national church that deal with each of those subjects?
A. Yes. There are canons in the national church and canons in the diocesan canons.

MR. BEERS: May I have a moment, Your Honor?

(Brief pause.)

THE COURT: Yes.

MR. BEERS: Ms. Kostel's counsel's prudent, Your Honor. That's all the questions I have, Bishop. Thank you.

THE COURT: Redirect?

MR. TISDALE: Well, your Honor, I'm glad to be able to report that the Episcopal Church of South Carolina has no questions of this witness.

THE COURT: All right. Very well. Redirect?

MR. RUNYAN: No redirect, Your Honor.

MS. GOLDING: None, thank you, Your Honor.

THE COURT: You may come down, sir.

All right. On behalf of the plaintiffs any further witnesses or exhibits?

MR. RUNYAN: No witnesses, Your Honor, and I do not believe any exhibits. We do have a few requests to admit to publish.

THE COURT: Very well.

MR. RUNYAN: The first is a request for admission to the Episcopal Church in South Carolina by the Diocese of South Carolina responded to on October 3, 2013: The Constitution and Canons of the Episcopal Church do not provide for the discipline of member diocese.

Answer: Admitted.

The next is from the Episcopal Church's response to the Diocese of South Carolina's First Request for Admissions dated August 2013, Request for Admission No. 3: In 1789 the Constitution of the Episcopal Church stated that a, quote, Protestant Episcopal Church in any of the United States not now represented may at any time hereafter be admitted on acceding to this constitution, closed quote.

Response: Admitted.

The same document, Request No. 14: On or about July 15, 1987, Ellen F. Cooke -- spelled with an E -- treasurer of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America prepared and/or issued a document in the ordinary course of her

employment which stated in part, quote, the Episcopal Church is comprised of 117 autonomous dioceses, 98 of which are domestic and 19 foreign, closed quote.

The response: Admitted.

Request for Admission No. 15, same document: Since 1901 Article IX of the Constitution of the Episcopal Church has stated that the general convention, quote, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith, or Worship, closed quote.

Answer: Admitted.

No. 16: The Court referenced in Request 15 has never been established by the general convention.

Answer: Admitted.

The next is from a response dated October 8, 2013, by the Episcopal Church to requests for admissions asked by nine of the plaintiff parishes. Request for Admission No. 9, Resolution D-24 offered by Canon Walter Dennis at the 1979 general convention stated in its third paragraph the following, quote: Whereas, the Supreme Court of the United States in the case of Jones v. Wolf, 99 S.Ct. 3020 (1979), has suggested that such alienation might be legally possible in the absence of an explicit recitation in the constitution that an express trust exists in favor of the general church concerning covering the property of local parishes.

The response: Admitted, with the exception that the word "covering" was not included in the last line of the quoted language.

Request No. 10: Neither the 1979 general convention nor any succeeding general convention of the Episcopal Church voted to amend the constitution of the Episcopal Church to provide for the express trust set forth in Resolution D-24.

Response: Admitted.

That concludes the requests for admission, Your Honor. That would also conclude our reply.

THE COURT: Very well. Thank you.

All right. On behalf of any other plaintiffs?

All right. Now back to documents.

MR. BEERS: I'm ready to move in the 3230(b)(6) depositions.

THE COURT: Okay.

MS. KOSTEL: Your Honor, may I be excused for just a moment?

THE COURT: Sure.

MS. KOSTEL: Thank you.

MR. BEERS: Would you mind if I did it from here?

THE COURT: It would be perfectly fine. And I tell you what, I don't know that that microphone would reach.

MR. BEERS: I can make it loud enough. I think I can be heard. If I'm not, then by all means. Well, we have three

piles.

THE COURT: Okay.

MR. BEERS: One pile is the Church of the Resurrection, and they wish to preserve an objection on Page 50, Lines 6 to 9, regarding consecration of property. We offer that, Your Honor. We understand you ruled and we assume that you will sustain that objection.

THE COURT: Okay.

MR. BEERS: Similarly in the case of Holy Comforter, they have objected to testimony about the consecration of parish property, Pages 34 and 35, Lines 22 to 25 and 1 and 2, and we offer it but we assume the Court will sustain the objection.

THE COURT: Can you describe for me what the testimony says?

MR. BEERS: Yes. Has the bishop ever come to your parish to consecrate one of your buildings?

Answer: Yes.

THE COURT: Okay.

MR. BEERS: Now, this is going to be a little tedious because, Your Honor, I wasn't able to check with the reporter, but I moved in a bunch of these without objection the other day. I'm not sure -- I think just to be clear I should run through all of them.

THE COURT: Sure.

MR. BEERS: And there's a batch. Would you mind if I sit down?

THE COURT: Not at all.

MR. BEERS: These we are offering and there are no objections.

THE COURT: All right.

MR. BEERS: St. James, James Island, All Saints, St. Andrew's Mount Pleasant, Good Shepherd, St. John's Florence, St. Matthew's Fort Motte, St. Luke's Hilton Head, Holy Trinity, Christ St. Paul's, St. Paul's Conway, St. Philip's, Holy Cross, St. Matthias, Trinity Myrtle Beach, Christ Church, Christ the King, St. Bartholomew's, Prince George Winyah, Epiphany, Trinity Pinopolis, St. Paul's Summerville, St. Michael's, St. David's, St. Paul's Bennettsville, Redeemer, Church of the Cross, Our Saviour, Old St. Andrew's, Trinity Edisto, St. John's Charleston. These documents we'll offer and we're going to have to make new copies because changes were made even as late as an hour ago.

THE COURT: All right.

MR. BEERS: There are designations by the defendants and there are counter-designations by the plaintiffs, and they are marked.

THE COURT: Very well.

MR. BEERS: Now, the following parishes, St. Jude's Walterboro, St. Helena's, St. Matthew Darlington, Holy

Comforter, and -- I'm sorry, I've covered -- I believe I've covered -- yes, I've already covered Holy Comforter. So the following three parishes, St. Jude's Walterboro, St. Helena's, and St. Matthew's Darlington, wish to argue an objection all on the same subject, and that subject is -- well, I shouldn't restate it, but for that let me just ask the group again, does everybody agree with me so far? Have I made any mistakes? Do I have everyone's, except for those -- if you heard your name pronounced once at least in this last five minutes. Okay.

THE COURT: No objections exist. Very well.

So we'll move to the last group, which is St. Jude's, St. Helena, and -- yes.

MR. ORR: Your Honor, Larry Orr on behalf of St. Matthew's Darlington.

THE COURT: Yes.

MR. ORR: I objected to Page 38, Lines 5 through 24. As I understand the Court's ruling I think on the second day of trial, testimony was offered to show the doctrinal dispute between the parishes and the national church, and you ruled that that was not admissible and you would not consider that. This questioning goes to that issue. I think it's not relevant to the issues before Your Honor and I would move to strike that.

THE COURT: Okay. Let me take a look at it. Can

someone pass it to me.

MR. ORR: Yes, ma'am.

THE COURT: Thank you. Okay.

And, yes, sir, Mr. Beers.

MR. BEERS: Well, as I said earlier in this trial, under the Supreme Court's opinion in All Saints Waccamaw we think this is a doctrinal case masquerading as a property case. That really sums up our argument. And we think we're entitled to examine as to why they really left the church or left -- or reaffirmed their affiliation with the diocese as opposed to the national church or something that distanced them from the national church. And in each of these three cases we've asked the question, you know, what were you unhappy about or why did you leave and so forth, because they have offered testimony that the reason that they took action was that the Episcopal Church had taken action against their bishop or some similar or different reason or they just wanted to redo their bylaws, they thought it was time to clean it up, or they were wanting to protect their property. But when asked what are you protecting your property from, what are you afraid of, there's testimony that, well, we thought the church was going in the wrong direction, we didn't know what was going to happen, and we believe we're entitled to ask about that.

THE COURT: It's in the case. I mean, it ended up

getting asked.

MR. BEERS: Yes.

THE COURT: Because what you're talking about is you're certainly talking about questions and answers that occurred. What about that? Those responses, they were going in a direction that we didn't like, and that's so --

MR. ORR: Your Honor, as I recall, in the All Saints case the Court noted that the reason for the decision of the parish to leave or disaffiliate was not relevant to the case, so whether there were theological differences or doctrinal differences were irrelevant.

THE COURT: That's right. It's the Pearson case where the Court talks about that.

MR. ORR: Yes, ma'am.

THE COURT: Because it had to do with whether or not a certain pastor who was no longer a pastor was entitled to pension. And there were certain determinations made by the church that based upon certain admissions, he was not. And that really is not All Saints, that's really the Pearson case.

You know, I guess here's where my head is: There's so much of that testimony that's in the case, and I can't remember what the objections were at this point because precisely that language has been repeated so often, for what it's worth, I'm going to allow it.

THE COURT: Okay. Yes, ma'am.

MS. GOLDING: Your Honor, thank you. Those questions relate to obviously church polity as a practical matter, going into the church polity and the bishop's relationship to the national church, which is not in issue in this action.

Furthermore, Your Honor, the exhibit attached to the deposition, which unfortunately my copy did not have, was only part of the oath. There were several portions of the oath that were not part of that and that was the other problem I had with it.

MR. RUNYAN: May I supplement, Your Honor?

THE COURT: Sure.

MR. RUNYAN: First of all, it's not an oath, it's a declaration. Secondly, the Book of Common Prayer is in evidence, so whatever is in evidence is the complete one. I think, in addition to the problems that Ms. Golding asserted, my biggest concern was that what they were asked about was incomplete. They just were asked about one paragraph. The declaration, the whole ceremony includes a whole lot more than that, and it's either all relevant or it's all irrelevant.

MR. TISDALE: We agree that the Book of Common Prayer is in evidence and it covers everything.

THE COURT: All right. Just so that the record is absolutely clear, Mr. Tisdale, what does the state maintain,

your client? What is the relationship between the ordination declaration, you call it a vow, and -- what is the relationship? I mean, why do you think it has any relevance in terms of --

MR. TISDALE: Well, every priest, as evidenced by the testimony, including that of Canon Lewis, takes an oath, oath or declaration or vow. Bishop Lawrence in his deposition called it a vow, most of the times it's called an oath, but it's the declaration. They're all the same thing. They say that they will promise to conform to the doctrine, discipline, and worship of the Episcopal Church, and therefore they become a deacon, a priest, or a bishop.

The one for bishop has a little more that goes with it and is a little bit more complicated, but it's in the deposition. They all adhere to the same thing. It imbues them with authority of the church to become deacon, priest, or bishop. So they take the oath, I will call it, or declaration of fidelity to do that, they promise to do it. And so it becomes an issue that they cannot act in those capacities without taking this, and they have testified to that. And so it becomes relevant to -- it gives them authority to do everything they do in carrying out their responsibilities or not carrying them out. And how this corporation, the plaintiff corporation or corporations, have been managed goes directly to whether or not they have

conformed to what they promised to do.

Jones versus Wolf says that deference must be paid to this and it must be a part of the neutral principles, whatever they did to get the authority to do what they did in a secular way, if you want to consider it the management of this corporation or secular operation. And they could not have done it without. It purely comes down to the bottom line on Jones versus Wolf is a part of the neutral principles consideration. It is a neutral principle.

THE COURT: Okay. Any response to that argument that you wish to make?

MR. RUNYAN: I think we've responded to that before and we'll rest on that, Your Honor.

THE COURT: Okay. All right. I think it's secular. I mean, I think it's ecclesiastic and I don't believe that the ordination ceremonies are intended to nor will I consider them as being neutral principles of law and would exclude them.

MR. TISDALE: Your Honor, thank you very much for making a ruling on those. And would you accept our proffer?

THE COURT: Yes.

MR. TISDALE: You have already for Exhibit 6 and Canon Lewis' deposition -- I mean testimony.

THE COURT: Sure.

MR. TISDALE: Will you accept that portion of Bishop

MR. TISDALE: Your Honor, I think we should perhaps just put a motion for dismissal on the record, directed verdict, nonsuit, whatever, Rule 41, at the end of everything. Shouldn't take but a minute just for the record.

THE COURT: Oh, absolutely.

MS. KOSTEL: We still have things to hand up to the court reporter. We've already spoken about that.

MR. HOLMES: There will be nothing additional.

MS. KOSTEL: Nothing additional.

MR. TISDALE: Nothing additional except just for the record.

THE COURT: I understand. And am I going to lose folks from my counsel from the different parishes? I know I'm not going to lose my diocese, but I'm a little bit concerned, and I don't know whether or not to address what it is I'm going to ask for now. I'd better do it now because you all may not come back after lunch.

This is what I want from each of the parishes and from the diocese. And you have a page limit. You have a page limit of three pages. Bullets are fine for me, oh, by the way. I just want the information. I'm not looking for it in any particular form. I am looking for the information. First of all, I need to know, I need you to identify your parish, and then I need you to identify whether or not you believe you are subject to the dictates of 33-31-110, et seq.

If you are, then I want you to go through what no doubt was testified to by your witnesses and I want you to give me a recap of your votes and your amendments, whether it was to simply the bylaws or the bylaws and the constitution or the bylaws and the constitution and the articles of incorporation. I want you to go over with me the notice provision and the votes with an eye towards whether or not there was compliance with 33-31-101, et seq.

Now, if you maintain that you are a corporation which was organized prior to 1900 who has chosen not to bring itself within the purview of 33-31-101, et seq., then I am requesting that you discuss with me how you were in compliance with your articles of incorporation and/or bylaws in the amendment of your articles of incorporation and/or bylaws and/or constitution if you have one.

Once you have done that -- and I'd like you to do this within the next 30 days -- once you have done that, then before you send it to me, I want you to send it to the defendants. And the defendants will then have 30 days to comment and make argument, specific argument, why they do not believe you have complied with 33-31-101, or if you are not subject to the Act, why you have not complied with your articles of incorporation or your charter or your legislative enactment. And you also have a three-page limit in response.

MS. KOSTEL: Your Honor, just to be clear, we have three

to respond to each, three for each.

THE COURT: Yes. And if you want to have like an overarching document and then you want to be specific, that's okay too.

MS. KOSTEL: Thank you.

THE COURT: Now, with regards to the marks, I'm going to ask for proposed orders. And you tell me the period of time that you want to do that.

MR. RUNYAN: Ten days.

THE COURT: Okay. And then I'll ask -- so 30 days.

MR. RUNYAN: Okay.

THE COURT: And then you'll send it to the defendants -- well, 30 days from both sides.

MR. RUNYAN: I do have a question on that issue, Your Honor, on whether for the parishes or the diocese or on the marks we get it to them in 15 days or 18 days --

THE COURT: Don't wait.

MR. RUNYAN: -- does their 30 days run from then?

THE COURT: Yes, it does.

MR. TISDALE: There's a 30-day reply is what you said?

MS. KOSTEL: So it runs from what date? I'm sorry. When we receive it?

THE COURT: Yes. And just for your informational purposes so you know how I figure that out, under our rules there's a five-day mailing rule, I just look when it was

mailed and add five days. Because that's too hard to try to figure out when you may have gotten it, it's too difficult.

Now, that's what comes to my mind. Over the lunch I'm going to take another look at your pleadings to see what else remains and how I'm going to ask, if at all, for any additional assistance. But I'll take a look at it over the lunch break. I will look again at your pleadings. And when we come back from our lunch break, then we'll go over whatever else we need to go over in terms of documents.

MS. GOLDING: Thank you. The last thing with respect to the initial bullet points that you want with respect to the parish and the diocese, I'm assuming that also means the plaintiff trustee?

THE COURT: Yes.

MS. GOLDING: Thank you, Your Honor.

THE COURT: Thank you for that. Yes, I absolutely do, absolutely do. Thank you for that clarification.

Let's reconvene at 2:30. We will reconvene at 2:30 and I'll see you then. Thank you all.

(Luncheon recess.)

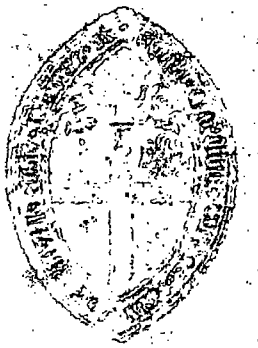
THE COURT: All right. Documents. Mr. Platte, Mr. Beers.

MR. PLATTE: Mr. Beers has the list.

THE COURT: All right.

MR. BEERS: This is going to be a little tedious.

DSC 1 - Journal of the Diocese's Annual Convention (2009) (excerpts)



THE JOURNAL

of the

TWO HUNDRED AND EIGHTEENTH

ANNUAL MEETING OF THE

CONVENTION

of the

DIOCESE OF SOUTH CAROLINA

CHRIST EPISCOPAL CHURCH
MT. PLEASANT, SC

MARCH 12-13, 2009

DSC-J-313-1315

PLAINTIFF'S EXHIBIT Diocese-1

PENGAD 800-631-6989

ultimate Bishop and Shepherd of our souls Christ Jesus, Crucified Risen Ascended and Coming Again It's all about Him! Amen."

Following Dean McKeachie's farewell to the convention there was a short video presentation on *Christianity Explored*.

The report of the Nominating Committee was presented by the Rev. Dow Sanderson who reported that the report of the committee was mailed to the clergy and deputies and that an amended report was included in the deputy packets There were no nominations from the floor

Voting, electronically was done at this time Results can be found in **Appendix II, page 70**

The annual communication of the Standing Committee was submitted by title by the Very Rev John Burwell, President **Appendix IV, page 76**

The Report of the Trustees was submitted by title **Appendix V, page 77**
The Report of the Treasurer was submitted by title **Appendix VI, page 92**

Mr John Wallace presented the budget which was approved. Mrs Nancy Armstrong reported that the portfolio was down 30% for the year **Appendix VII, page 108**

Mrs. Sue Griffith, President of the ECW addressed the convention. **Appendix VIII, page 118**

A second video clip was shown entitled *Never Too Late: Connect/Invest/Equip*

Michael Ridgill, Secretary said that there was one pre-filed resolution that was in the packet This was presented by the Very Rev. John Burwell for the Standing Committee and the Bishop. R-1 Proposed Anglican Covenant passed. **Appendix III, page 71**

The following reports were filed by title:

Bishop Gadsden, Still Hopes, Faith Alive, Diocesan Staff Reports, York Place, Canterbury House, Porter-Gaud School, Kanuga, Voorhees College, Diocesan Council, University of the South Departments of Council, Kairos, Christian Action Council, Commission on Ministry, Commission on Architecture, Canons in Christianity, The Ecumenical Officer, Episcopal Relief and Development, Foundation for the Preservation of Historic Churches and sites in the Diocese of South Carolina

Mr John Wallace reported for the Finance Committee stating that the convention offering was designated for ERD and Theological Education.

The Rev. Chris Warner presented his report for St. Christopher Camp and Conference Center See **Department Reports**. Ann Hester Wells reported on the Annual Fund which was a first time endeavor for St Christopher To date we had received close to $100,000 Donations were still being received

The Very Rev Craige Borrett handed out and presented the following resolutions from the Charleston West Deanery, The Very Rev Craige Borrett, Christ St. Paul's Church and the Rev Dr. Kendall Harmon:

R-2 The Uniqueness of Christ-passed
R-3 Request that General Convention be suspended After discussion a roll call vote was taken This resolution was defeated in the Clergy Order
R-4 Request to withhold the consent for the Episcopal election in Northern Michigan This passed

There was a short video presentation on the Leadership Forum entitled *Rethink, Shift, Retool*

The Rev Michael Clarkson, Chair of the Bishop's Address Committee, reported for that committee and presented the following resolutions which were duly seconded and passed **Appendix III, page 71**

R-5 The Diocese of South Carolina's First Essential Function-passed
R-6 The Diocese of South Carolina's Second Essential Function-passed
R-7 Leadership-passed

The Rev Matthew McCormick reported for the Necrology Committee asking prayers for The Rev Canon Edward Morgan, the Rev Wailes Haynsworth who died in 2009 and for Ned Bell, wife of the Rev Canon John Bell who died earlier in the week

The Rev Patrick Allen reported for the Courtesy Committee

R-8 Gratitude to Christ Church, Mt Pleasant, the Rev Ted McNabb, Mr Chris Haviland, Clergy, Wardens and Vestry of Christ Church.
R-9 Gratitude to Randy McPhail, Debbie Barker, Nancy Armstrong and all the Diocesan Staff, the Convention Secretary, Youth Commission, Kerry Hall, Citadel Cadets and all the volunteers.
R-10 Gratitude to the Very Rev. Justyn Terry
R-11 Gratitude to the Haynsworths, Allisons, Buchanans, Dicksons the Hathaways and the Neuhofes
R-12 Gratitude to the Rev. Leander Harding
R-13 Gratitude to the Rt Rev Julio Holguin and the Rt Rev William Skilton
R-14 Gratitude to the Very Rev. William McKeachie and Lisa McKeachie
R-15 Joy and appreciation for the Rt Rev Mark Lawrence and Allison Lawrence

The Rev Andrew Pearson reported for the Resolutions Committee stating dismay and disappointment that resolutions 2-4 never came before the Resolutions Committee and were presented at the end of convention with no chance for the committee or the convention to read them

The Rev Callie Perkins and the Rev. Rick Lucini were appointed to read the minutes

The Rev. Andrew Hayler, a naval chaplain stationed in Yuma, Arizona, asked to address the convention about chaplaincy He said that we have a history of Navy Chaplains in this diocese In all there are 800 Navy Chaplains and they are presently 40 short There are few Episcopalians.

A final video was shown about the Leadership Forum

Following the announcement of the caucusing for the Orangeburg and Charleston West deaneries, the 218th Annual Diocesan Convention was adjourned at 4:00

Mark J Lawrence
President of the Convention
Attest:

The Rev Dr Michael E. Ridgill
Secretary of Convention

The Rev Calhoun Perkins

The Rev Richard Lucini

DSC-J-313-19209

APPENDIX II
Elections

Diocesan Council
Clergy Order
Term-Three Years
The Rev Joseph Gibbes
The Rev Ken Weldon

Diocesan Council
Lay Order
Term-Three Years
Mr Gerry Graves
Mr Thomas G McMeekin

Standing Committee
Clergy Order
Term-Three Years
The Patrick Allen
The Rev David Thurlow

Standing Committee
Lay Order
Term-Three Years
Mrs Ann Dennis
Mrs Frenchie Richards

Trustees
Clergy Order
Term-Six Years
The Very Rev Craige Borrett

Trustees
Lay Order
Term-Six Years
Mr John Jordan
Trustees

Lay Order
Term-One Year Unexpired Term
Mr Steve Brunson

Ecclesiastical Court
Clergy Order
Term-Three Years
The Rev Marshall Huey

Ecclesiastical Court
Lay Order
Term-Three Years
Mr Ron Jones

Advancement Society
Clergy Order
Term-Three Years
The Rev James Yarbrough

Advancement Society
Lay Order
Term-Three years
Mr Don Evans

University of the South
Lay Order
Term-Three Years
Mrs Elizabeth Lewis

Diocesan Council
Deanery Elections
Clergy Order
Term-Three Years
The Rev James Taylor – Charleston West
The Rev Jeff Richardson - Orangeburg

Diocesan Council
Deanery Elections
Lay Order
Term-Three Years
Mr Dem Howard – Charleston West
Mrs Emily Guess - Orangeburg

APPENDIX III

RESOLUTIONS ADOPTED

R-1

Offered by: The Standing Committee and the Bishop
Subject: Proposed Anglican Covenant

Be it resolved, that the 218th Convention of the Diocese of South Carolina express its support for the development of an Anglican Covenant, as a means of encouraging dioceses and provinces of the Anglican Communion to practice a responsible autonomy and inter-provincial accountability for the mutual enrichment of our common life in Jesus Christ through the abiding fellowship of the Holy Spirit and through the bonds of affection; and

Be it further resolved that this the Diocese of South Carolina, encourages The Episcopal Church TEC, to embrace this Covenant process, even if the process necessitates restraint in the area of human sexuality and urges that the various dioceses of TEC demonstrate responsible autonomy in their common life and practice towards the various dioceses and provinces of the Communion in this regard; and

Be it further resolved, that this convention respectfully requests the Archbishop of Canterbury, the Primates, and the Anglican Consultative Council to allow dioceses lying within provinces which may chose not to abide by such a Covenant to sign their support of such a covenant, and be recognized as full members of the Communion; and

Be it further resolved that as the Diocese of South Carolina did choose at its Diocesan Convention in 1785, to organize as a diocese, (one of the first seven dioceses in these United States to so organize in that year), and to send delegates to the first General Conventions to organize the Protestant Episcopal Church of the United States of America, and thereby freely associate its clerical and lay members with the Domestic and Foreign Missionary Society—presently known as TEC, so this same Diocese does also assert its authority to freely embrace such a Covenant in communion with the Archbishop of Canterbury and to seek to remain a constituent member of the Anglican Communion should the Instruments of Unity allow such diocesan association

R-2

Offered by: The Very Rev. Craige Borrett, the Rev. Dr. Kendall Harmon, Christ Saint Paul's, Yongas Island
Subject: The Uniqueness of Christ

Be it resolved, that the Diocesan Convention, while valuing and affirming the importance of cultural and religious diversity affirms that the good news of salvation in Jesus Christ is for all and must be shared with all including people from other faiths or of no faith and that to do anything else would be to fail to love them as our neighbor; and that to this end this Convention

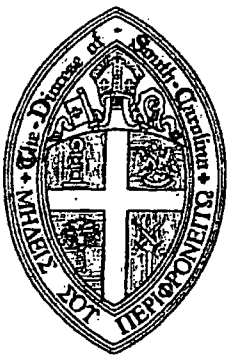
(a) recommits itself to living out daily the Baptismal Covenant's call to "proclaim by word and example the Good news of God in Christ" and
(b) urges all Christians to encourage sensitive and positive sharing of faith with people of all faiths and none whilst being willing to learn from and be enriched by people of other faiths

Explanation:

In the beginning of the 21st Century we live in a global village in which the world is indeed flat and there are many spiritual and religious ideas competing together for people's attention. It is more important than

DSC-J-313-19230

DSC 2 - Journal of the Diocese's Annual Convention (2010) (excerpts)



THE JOURNAL

of the

TWO HUNDRED AND NINETEENTH

ANNUAL MEETING OF THE

CONVENTION

Of the

DIOCESE OF SOUTH CAROLINA

St. Paul's Episcopal Church
Summerville, SC
March 26th and October 15, 2010

DSC-J-313-19301

PLAINTIFF'S EXHIBIT Diocese-2
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The Bishop introduced the following guests

The Very Rev Dr Robert Mundey, Eucharistic Preacher/Dean & President of Nashotah House
The Rev Dr Leander Harding, Trinity School for Ministry
The Rt Rev Edward Haynsworth
The Rt Rev C FitzSimons Allison
The Rt Rev Alden Hathaway
The Rt Rev Edward Neufville and wife, Louise retired Bishop of Liberia currently serving Good Shepherd Mission, in Sumter, SC
The Rt Rev Alpronsa Gadsden Reformed Episcopal Church
The Rev Ron Moock, Reformed Episcopal Church
Mr Dagnall Free, Senior at Nashotah House Seminary

The following parishes and missions have not yet turned in their parochial reports to the Diocesan House:
Holy Communion, Allendale
St John's, Berkeley Co
St Andrew's Mission, Charleston
St Stephen's, Charleston
St James, Goose Creek
Ascension, Hadood
Advent, Marion
St Mary's, Goose Creek
St Paul's, Orangeburg
Redeemer, Pineville

A motion was made and passed to give Parochial Report violators seat, voice and vote

Bishop Lawrence addressed the convention Appendix I, page 22

Note regarding the Bishop's Address During his address, Bishop Lawrence asked The Very Rev. Ed Ketsher and their delegation to come forward, to thank them publically for the way in which the lawsuit with All Saints Pawley's Island was reconciled. The delegation from All Saints, Pawley's received a standing ovation At the conclusion of his address, Bishop Lawrence received a standing ovation from the Convention

The Report of the Trustees was submitted by title Appendix VII, page 77
The Report of the Treasurer was submitted by title Appendix VIII, page 92

Mr John Wallace presented the budget which was approved Appendix VII, page 108

The report of the Nominating Committee was presented by the Rev Dow Sanderson He reported that the report of the committee was mailed to the clergy and deputies and that an amended report was included in the deputy packets There were no nominations from the floor

Voting, electronically, was done at this time Results can be found in Appendix IV, page 61

A recess was taken for lunch and the Convention was reconvened at 1 15 pm

Michael Ridgill, Secretary said that there were five pre-filed resolutions that were in the packet These resolutions were presented by The Rev Jeffrey Miller for the Standing Committee and the Bishop

The Resolutions Committee, chaired by Mr Alan Runyon presented the following Resolutions
Appendix IV, page 62

R-1, *"Recognition of the Humane and a proclamation of the Identity of the Episcopal Diocese of SC"*, presented by Canon Theologian, The Rev Dr Kendall Harmon, passed by majority vote
R-2, *"Response to Ecclesiastical Actions by the Presiding Bishop"*, presented by the President of the Standing Committee, The Rev. Jeffrey Miller, passed by majority vote
R-3, *"Addition of Canon XXXVII Of the Ecclesiastical Authority"*, passed by majority vote
R-4, *"Amendment Canon XXX, Prohibited Desecration of Consecrated Buildings,"* passed by majority vote
R-5 "Removal of Canon XX of Basketball Ministries" passed by majority vote

Previously tabled Resolution from 216th Convention, *"Pulpit of Love"* A motion was made to withdraw this resolution from consideration of the Convention That motion passed by majority vote.

First Reading of Amendments to Constitution from General Convention 2009, Amendment BO15 was read aloud by Secretary The Rev Michael Ridgill

The following reports were filed by title

Bishop Gadsden, ECW, Stil Hopes, Faith Alive, Diocesan Staff Reports, York Place Canterbury House Porter-Gaud School, Kanuga, Voorhees College, Diocesan Council, University of the South, Departments of Council, Kairos, Christian Action Council, Commission on Ministry, Curatibo in Christianity, The Ecumenical Officer, Episcopal Relief and Development

Mr. John Wallace reported for the Finance Committee, stating that the committee report is filed by title

The Rev Bob Lawrence, Chair of the Bishop's Address Committee, reported for that committee and presented the following resolutions which were duly seconded and passed page 79

Bishop's Address 1 Reconciliation-passed
Bishop's Address 2 Battle to Engage-passed
Bishop's Address 3 Presiding Bishop's Incursion-passed
Bishop's Address 4 Leadership-passed

The Rev. Andrew Pearson reported for the Necrology Committee asking prayers for the following clergy who have died since the last Convention
The Rev. Mark Rodger Chaplin
The Rev Dr. Marion Hatchett
The Rev William Weaver

He also offered up prayers for the following Bishops of the Church who have died since the last Convention:
The Rt. Rev. John Harris Burt
The Rt. Rev. John Bowen Coburn
The Rt. Rev Robert McConnell Hatch
The Rt. Rev Robert Oran Miller
The Rt. Rev Claude Charles Vache
The Rt. Rev Barry Valentine
The Rt. Rev James Daniel Warner

DSC-J-313-19312

APPENDIX IV
Elections

Diocesan Council
Clergy Order
Term-Three Years
The Rev. Mark Avera
The Rev Thop Comrey

Diocesan Council
Lay Order
Term-Three Years
Mr. Don Hurst
Mrs Katherine Monroe

Standing Committee
Clergy Order
Term-Three Years
The Rev Dow Sanderson
The Rev Paul Fuener

Standing Committee
Lay Order
Term-Three Years
Mr. Reid Boyleston
Mrs. Ann Hester Wills

Trustees
Clergy Order
Term-Six Years
The Very Rev Craige Borren

Trustees
Lay Order
Term-Six Years
Mr. Bob Kunes

Ecclesiastical Court
Clergy Order
Term-Three Years
The Rev. Andrew O Dell
The Rev Marcus Kaiser
The Rev Frank Larisey

Ecclesiastical Court
Lay Order
Term-Three Years
Mrs Sue Cavanaugh
Mr Bill Ervin

Advancement Society
Clergy Order
Term-Three Years
The Rev Andrew O Dell
The Rev Marcus Kaiser

Advancement Society
Lay Order
Term-Three years
Mr Don Evans

University of the South
Lay Order
Term-Three Years
Dr William Clarkson

APPENDIX V

RESOLUTIONS ADOPTED

Resolution R-1 2010 Convention
Offered by: The Rev. Canon Kendall Harmon

The Rev. Jeff Miller
The Rev. Canon Jim Lewis
The Rev. Rick Lucas
The Rev. Greg Snyder
The Rev. Louise Weld
The Very Rev. Craige Borren
The Rev. Ted McNabb
The Rev. Michael Riggs
The Rev. Charles Walton
The Rev. William Oldland
The Rev. Mark Riggs
Deacon Hiram Moseley
The Rev. Robert Horn
The Rev. Frank Larisey
The Rev. Tom Woodle
The Rev. Paul Fuener
The Very Rev. Peet Dickinson
The Rev. Arthur Jenkins
The Rev . James Taylor
The Rev. Karl Burns
The Rev. Marshall Huey
The Rev. Jennie C. Olbrych
The Very Rev. Chuck Owens
The Rev. Hazel Wilkinson
The Very Rev. John Barr
The Rev. Kay Fryman
The Rev. Ken Weldon
The Rev. Marcus Kaiser
The Very Rev. John Scott
The Rev. Michael Hub
The Rev. Hal Fentiss
The Rev. Trip Jeffords

Subject: Recognition of the Heritage and a proclamation of the Identity of the Episcopal Diocese of South Carolina

RESOLVED, That this 219th Convention acknowledges that for more than three centuries this Diocese has represented the Anglican expression of the faith once for all delivered to the saints, and be it further

RESOLVED, that we declare to all that we understand ourselves to be a gospel diocese, called to proclaim an evangelical faith, embodied in a catholic order, and empowered and transformed through the Holy Spirit, and be it further

RESOLVED, that we promise under God not to swerve in our belief that above all Jesus came into the world to save the lost, that those who do not know Christ need to be brought into a personal and saving fellowship with him, and that those who do know Christ need to be taught by the Holy Scriptures faithfully to follow him all the days of their lives to the Glory of God the Father

R-2

Resolution R-2 2010 Convention
Offered by: The Standing Committee
Subject: Response to Ecclesiastical Intrusions by the Presiding Bishop

RESOLVED, That this 219th Convention of the Diocese of South Carolina affirms its legal and ecclesiastical authority as a sovereign diocese within the Episcopal Church, and be it further

RESOLVED, That this Convention declares the Presiding Bishop has no authority to retain attorneys in this Diocese that present themselves as the legal counsel for the Episcopal Church in South Carolina, and be it finally

RESOLVED, That the Diocese of South Carolina demands that the Presiding Bishop drop the retainer of all such legal counsel in South Carolina as has been obtained contrary to the express will of the Diocese which is The Episcopal Church within its borders

DSC-J-313-19334

R-3

Offered by: The Standing Committee
Subject: Addition of Canon XXXVII Of The Ecclesiastical Authority

The Ecclesiastical Authority of the Diocese is the Bishop. If there is no Bishop, the Standing Committee is the Ecclesiastical Authority. The Ecclesiastical Authority of the Diocese, with the advice and counsel of the Chancellor, is the sole and final authority with respect to any dispute concerning the interpretation of the Constitution and Canons of the Diocese and its interpretations shall be final and binding in all respects.

R-4

Offered by: The Standing Committee
Subject: Amendment Canon XXX
Prohibiting the Desecration of Consecrated Buildings and the Alienation of Church Property Without Consent of The Ecclesiastical Authority and the Standing Committee

Resolved, that the following Section be added to Canon XXX.

Section 6. "It is within the power of the Ecclesiastical Authority of this Diocese to provide a generous pastoral response to parishes in conflict with the Diocese or Province, as the Ecclesiastical Authority judges necessary, to preserve the unity and integrity of the Diocese."

Explanation:

1. The actions of the Presiding Bishop's office, now publicly acknowledged, have demonstrated a clear willingness and intent both to legally pursue congregations we consider parishes in good standing, and attempt to utilize diocesan resources to do so.
2. We've experienced now as a diocese, in the All Saints, Pawleys Island, litigation, the destructive force of such litigation; now it has created animosities and divisions that are not easily healed. It has failed as a positive cohesive force for maintaining the unity of the church and has in fact had precisely the opposite effect. Christians are suing Christians (1 Cor. 6:1-8), the reputation of the church is marred, and vast resources are diverted from essential Kingdom work. None of this is honoring to our Savior.
3. It has been the implied understanding of this Diocese that the Bishop inherently has the authority to deal with such situations. The current practice of the Bishop to deal pastorally with parishes struggling with their relationship with the Diocese or Province must be given explicit canonical force. The discretion exercised by the bishop is the only way to successfully navigate the current challenges before us.

R-5

Offered by: The Standing Committee
Subject: Removal of Canon XX Of Basketwill Ministries

Resolved, that Canon XX of the Diocese of South Carolina Canons be removed.

Explanation: With the consent of the Bishop, the original Basketwill Ministries and other attendant ministries were reorganized under the leadership and guidance of Holy Cross Faith Memorial parish. The Diocese is no longer responsible for the selection of board members.

R-6 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: *Amendment of the Constitution of the Diocese of South Carolina*

Resolved, that Article I of the Diocese of South Carolina is hereby amended to read as follows:

"The Church in the Diocese of South Carolina accedes to and adopts the Constitution and Canons of the Protestant Episcopal Church in the United States of America, and acknowledges the authority accordingly."

Resolved, that Article [illegible] regarding requirements of new parishes is hereby amended to read as follows:

"[illegible] as will agree to conform to the Constitution and Canons of the General Convention and the Constitution and Canons of the Convention of this Diocese which are then or hereafter may be enacted by the authority of the same."

Resolved, that Article [illegible] regarding admission requirements for new missions is hereby amended to read as follows:

"[illegible] the extent of its ability to support, to work its vestry/wardens to conform to the Constitution and Canons of the General Convention and the Constitution and Canons of the Convention of this Diocese which are then or hereafter may be enacted by the authority of the same."

Resolved, that Article [illegible] regarding Deputies to General Convention is hereby amended to read:

"Section 1. At an Annual Convention during the triennium between General Conventions, but preceding each General Convention, four Presbyters and four laypersons having qualifications established by the Constitution and Canons of the Episcopal Church shall be chosen by ballot to represent this Diocese at the next succeeding General Convention. Four other Presbyters and four other laypersons having the same qualifications shall be chosen by ballot as alternates for those so elected. Such representatives and alternates shall serve until their successors are elected and qualified."

Resolved, that Article [illegible] regarding the Trial of Clergy, is hereby amended to read:

"A clergyman shall be subject to a trial for offences [illegible] the Canons of the General Convention or the Canons of this Convention, and if found guilty, shall be tried in accordance therewith. The trial shall be conducted according to the Canons of this Convention."

Explanation:
The Diocese of South Carolina, as a founding Diocese of the Episcopal Church, has freely exercised its sovereignty in acceding to the Constitution and Canons of the Episcopal Church.

DSC-J-313-19335

The demand of this Convention that the Presiding Bishop's office remove legal counsel representing itself as the attorney for the Episcopal Church in South Carolina has met with no response, suggesting continued legal threat from that office.
The changes in the Title IV section of the Canons of The Episcopal Church contradict the Constitution of The Episcopal Church and may represent an unacceptable change in our polity and an indefensible infringement upon the rights to due process of all the clergy of this diocese.
Protection of the sovereignty of the diocese consistent with the Constitution of The Episcopal Church and the right to due process for its clergy requires that accession to the Canons of The Episcopal Church be removed. This change preserves our ability to continue under the Constitution of the Episcopal Church.

R-7 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: *Article XII - Of Altering the Constitution*

RESOLVED, that Article XII of the Constitution of the Diocese of South Carolina, regarding changes to the Constitution, is hereby amended to read:

> No alteration or amendment of, or addition to this Constitution shall be made unless the same be proposed in writing and in duplicate on the first day of an Annual a Convention and after reference to the Committee on Constitution and Canons, is adopted by a majority vote of the Convention at which it is proposed, and further adopted by a two-thirds vote of both Orders present at the next Annual Convention.

Explanation:
The proposed changes make it possible for Convention to make changes to its Constitution in less time than the one year process encumbered by the current wording of the Article.

R-8 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: *Removal of Accession to the Canons of The Episcopal Church*

Resolved, the following Canons of the Diocese of South Carolina, as hereby amended to read as follows, removing or qualifying reference to the Canons of The Episcopal Church:

Canon II, Section 1 is hereby amended to read as follows:

> Section 1. Whenever not less than ten persons residing in any neighborhood not included within the limits of a Mission or Parish already organized desire to be organized as a Mission, they shall make application to the Bishop in writing, expressing their desire, and promising conformity to the Constitution and Canons, doctrine, discipline and worship of the Episcopal Church in the United States and in this Diocese, and to the rules regulating such Missions. They may propose a name for the Mission, and shall state the minimum amount they are able to contribute to the support of the proposed Mission.

Canon III, Section 1 is hereby amended to read as follows:

> Section 1. Whenever any organized Mission shall desire to become an Incorporated Parish, it shall make application to the Bishop in writing, which application may state such facts as applicant deems pertinent, but it must show (a) the fact of applicant's organization in accordance with the Canons of the Diocese and its continued existence thereunder for at least one year, (b) that its organization has not been dissolved by the Ecclesiastical Authority, (c) the number of actual members and the number of communicants, (d) its willingness to conform to the Constitution and Canons of the General Convention and the Constitution and Canons of the Convention of this Diocese, which are then or thereafter may be enacted by the authority of the same, and (e) evidence that it is self-supporting and the prospects of remaining so, which evidence of self-support shall include its ability to pay the full salary of its minister at or greater than the minimum salary scale approved by the Department of Missions with the approval of the Bishop. The application must be accompanied by a certified copy of its corporate charter. It is the approval of such charter by the Chancellor or the Assistant Chancellor. Said charter must contain the provision that the corporation is formed for the purpose of operating a Parish or Mission organized pursuant and

> subject to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina as now in force or as hereinafter may be amended, and the further provision that upon being dissolved pursuant to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina, automatically the offices of the Vestry, Wardens, and other officers of the corporation shall become vacant, and the Standing Committee of the Protestant Episcopal Church in the Diocese of South Carolina shall become the managing body of the corporation, with full power and authority, without restriction, to liquidate the property of the corporation, to sell or mortgage its property or any part thereof, to convey all or all of its property to the Trustees of the Protestant Episcopal Church in South Carolina, and upon complete liquidation to surrender the charter of the corporation.

Canon V, is hereby amended to read as follows:

> Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America, there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years, and until his or her successor is nominated and confirmed.
>
> Section 2. If any Parish or Mission shall have failed for three successive years to elect a Vestry, (if a Parish), or to send a Deputy to the Convention (if in union with the Convention), or to make the reports required by Section 1, Canon 6, Title I of the General Convention, or to make a financial contribution to the program of the Diocese, such Parish or Mission shall be considered dormant, and may be observed by the Bishop with the consent of the Standing Committee of the Diocese.

Canon VI, Section 2 is hereby amended to read as follows:

> Section 2. At least thirty (30) days prior to the annual meeting the Rector shall compile and publish a list of the communicants of the Parish in good standing as defined by the Canons of this Diocese and of the Episcopal Church, and shall indicate which are confirmed communicants.

Canon IX, Section 2 is hereby amended to read as follows:

> Section 2. He shall transmit to each Bishop of the Protestant Episcopal Church in the United States of America, to the Secretary of the House of Deputies of the General Convention, and the Secretary of every Diocesan Convention, when desired, a copy of all Journals of the Convention of this Diocese, and to every General Convention, a certified list of the Clergy of the Diocese, and shall perform all other duties devolving upon him by the Canons and Regulations of the General Convention.

Canon XIII, Section 3 is hereby amended to read as follows:

> 3. Except as otherwise provided in the Canons, any property impressed with a trust at the time the Trustees took title and re-conveyed by the Trustees to the Diocese shall not be alienated, encumbered, or disposed of without the written consent of the Trustees.

Canon XXII, Section 3 is hereby amended to read as follows:

> Section 3. The Parish designated as the Cathedral Church shall not be deprived of any privileges afforded Parishes under the Constitution and Canons of the Diocese and the Protestant Episcopal Church in the United States of America, except as provided in this Canon, nor relieved of any duties or responsibilities imposed upon it hereby, and such Parish shall continue its activities as a separate entity but shall be known as a Cathedral Parish.

Canon XXII is hereby amended to read as follows:

> Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America, there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years, and until his or her successor is nominated and confirmed.

DSC-J-313-19336

Section 2 The Commission on Ministry Heresy established shall have the duties and powers as prescribed by the Canons of the General Convention of the Protestant Episcopal Church in the United States of America . . . The Chairman shall be a Presbyter and both the Chairman and Secretary shall be named annually by the Bishop from among the Commission

Canon XXVII is hereby amended to read as follows in the following Sections

Section 1 Except as provided in Title III Canon 17 Section 5 of the Canons of The Episcopal Church . . . a Rector may not resign as Rector of a Parish without the consent of its Vestry nor may any Rector canonically or lawfully elected and in charge of any Parish be removed therefrom by said Vestry against his will except as hereinafter provided

Section 2

(1) Statements made during the course of proceedings under this Canon are not admissible in any proceeding under Title IV of the Canons of The Episcopal Church and/or Canon XXVIII of the Diocese This section 3 does not, however require the exclusion of evidence in any proceeding under the Canons of the Diocese or of The Episcopal Church which is otherwise discoverable and admissible merely because it was also presented in proceedings under this Canon

(2) In the course of proceedings under this Canon if a charge is made against the Rector that could give rise to a disciplinary proceeding under the Canons of the Diocese or the Episcopal Church . . . all proceedings under this Canon shall be stayed until the charge has been resolved or withdrawn

Canon XXVIII is hereby amended to read as follows in the following Sections

Section 1

(1) a) The Chancellor shall give the members of the Ecclesiastical Court and of the Trial Court his/her opinion as to the procedure required by the Canons for them to organize and comply with the provisions of canon law but shall not directly or indirectly express any opinion as to the facts of the case or the guilt or innocence of the respondent. After a Lay Assessor or Assessors have been appointed the Chancellor shall have no further communication with the Trial Court unless specifically asked by the Trial Court to give an opinion on canon law. When requested by the Lay Assessor, Church Attorney or by counsel for the Respondent the Chancellor shall give his/her opinion on the meaning or purport of a provision of the Constitutions and Canons of the Diocese and the National Church . . . The Chancellor shall be permitted to attend all open sessions of trials before the Court

(13) The Trial Court shall be governed by the portion of the Federal Rules of Civil Procedure set forth in Appendix A to Canon IV of the Canons of the Protestant Episcopal Church in the United States (hereinafter National Canons")

Section 4 Of Presentments

1. A Presentment to the Ecclesiastical Court may be issued only by the Standing Committee of this Diocese as provided in this Canon and in the Canons of the Episcopal Church in the United States

2) A charge against a Priest or Deacon shall be in writing verified and addressed to the Standing Committee of this Diocese and except as otherwise provided in Title IV of the Episcopal Church in the United States . . . if the Priest or Deacon is canonically resident in this diocese

3) A Charge may be made as by those persons as provided for in Canon IV, Section 3 of the National Canons

Section 5 The Ecclesiastical Trial

5) If on or during the trial the accused shall confess the truth of the charges as stated in the presentment, the Court may dispense with hearing further evidence and proceed to render judgment, but if he/she shall appear and proceed to trial on the presentment, the Court shall adjudge him/her guilty or not guilty according to the evidence. If he/she be found guilty the Court shall declare to the Bishop in what ecclesiastical censure in the Court's opinion such

judgment is to be subjected. The Lay Advisor shall also inform the accused of his/her right to appeal to the Court of Review as provided for in the National Canons

6 All papers hereunder shall be subject to the Rules of Canons. The Secretary shall keep a record of all of the proceedings which shall contain a copy of the presentment, specifications, notice to the accused and his/her answer with the evidence both oral and written, and the final judgment of the Court. An attested copy of this record, made out by the Secretary, or by the stenographer and certified by the Secretary, shall be forthwith at the conclusion of the trial delivered to the Bishop, who shall in the consideration thereof be authorized to consult with the Chancellor or to appoint a Lay Advisor with the same authority and same duty as the Lay Advisor of the Court and retain from him/her when advisable, an opinion on all matters not theological. The Bishop shall also have the same authority in passing upon all motions for a new trial

7) Alternate Ecclesiastical Trial Court In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Standing Committee for good cause shown that change in venue is needed the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another diocese of that Province reasonably convenient for the parties . . . The reasonable expenses of the Alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the Presentment has issued

Section 6 Inhibitions Sentences and Appeals

1. a) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission under Canon IV 2 or (ii) after final Judgment by a Trial Court. This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission

c) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV 2 or (ii) after final Judgment by a Trial Court

a The Suspension of a Member of the Clergy from the exercise of the Sacred Ministry shall terminate the Pastoral Relationship unless the Vestry by Ma-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue. Unless the Pastoral Relationship has been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prior be the application of National Canon IV 2(a)

b) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under National Canon IV 2 (a) after final judgment by a Trial Court (iii) when there has been a renunciation under National Canon IV 3 (iv) upon the abandonment of the communion of the Church as set forth in National Canons IV 9 and IV 10 or (v) by the Presiding Bishop pursuant to National Canon IV 1" 3(d)

2) The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) after the acceptance of a Waiver and Voluntary Submission under Nationa. Canon IV 2 (ii) when there has been a renunciation under National Canon IV 3 or (iii) upon the abandonment of the Communion of the Church as set forth in National Canon IV 10

3 a) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon V 2 of the canons of the Episcopal Church in the United States Sentence shall be imposed by the Bishop to whom the submission was made

b) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon V 3 Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident or in case there be no Bishop of that jurisdiction by another Bishop at the request of the Standing committee of the Diocese

DSC-J-313-19337

(2) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV.10 Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction by another Bishop at the request of the Standing Committee of the Diocese

(3) The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by a Trial Court, shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and (unless waived in writing) the Victim in the manner prescribed in National Canon IV.14.17

Section 7. General Provisions

(a) Limitations of Actions

(1) (a) No Presentment shall be made for any Offense specified in National Canon IV.1.1 that constitutes (a) Crime, (b) Immorality or (c) Conduct Unbecoming a Member of the Clergy unless the Offense was committed within or continued up to ten years immediately preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop except (i) in the case of a conviction of the Respondent in a criminal Court of Record or a Judgment in a civil Court of Record in a cause involving Immorality a Presentment may be made at any time within three years after the conviction or judgment becomes final or (ii) in a case where the alleged Victim was a minor at the time of the Offense a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years or (iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs or (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense the time within which the Charge shall be received by the Standing Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense provided however in the case of clauses (ii) or (iii) above the time within which the Charge shall be received by the Standing Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.

(b) For Offenses the specifications of which include physical violence sexual abuse or sexual exploitation which were barred by the 1991 Canon on Limitations (National Canon) IV.14 Charges may be made to a Standing Committee or the Presiding Bishop in the case of a charge no later than July 1, 1998.

(2) No Presentment shall issue for any Offense specified in National Canon IV.1.1 (a) (1) (i) (ii) (iii) or (2) unless the Offense was committed within or continued up to two years immediately preceding the time of the Charge is filed with the Standing Committee

(3) Mental Fitness In order for the Offenses specified in National Canon IV.1.1 (a) (1) (i) and (ii) to be considered for Presentment, the Offense complained of must be intentional material and meaningful as determined by the Standing Committee

Canon XXXV, a Parish, amended to read as follows in the following Sections

Section 4. The Manual shall include as a minimum the following

a. Outline of procedures for the investigation of allegations of Sexual Misconduct that conform to the disciplinary Canons of the Episcopal Church and demonstrate sensitivity to the complainant and best practices for all parties

Proposed Resolution R-9 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: Canon XXXV - Of the Enactment, Alteration and Repeal of Canons

Canon XXXIV is hereby amended to read as follows in the following Sections

Section 1. No alteration, amendment of or addition to these Canons shall be made unless the same be proposed on the first day of an Annual Convention in writing and in duplicate, and, after reference to the Committee on Constitution and Canons, is adopted by a two-thirds vote of both Orders present at the Annual Convention the proposal is made PROVIDED however if the vote by Orders fails to pass either Order by the required two-thirds vote but does pass both Orders by a majority vote then the proposal shall lie over for the consideration of the next Annual Convention and only a majority vote of the next Annual Convention shall be sufficient for its passage

Explanation.
The proposed changes make it possible for Convention to make changes to all Canons on occasions other than the Annual Convention

R-10 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: Canon XXIX – "Property held in trust"

Resolved, that Section 3 of Canon XXIX be removed

~~Section 3. All real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation existing over such property as long as the particular Parish, Mission or Congregation remains a part of and subject to the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina.~~

Explanation
The ruling of the South Carolina Supreme Court has established that in this state there is not an implied trust in the property of the parishes of this diocese. Given that ruling this Section no longer applies and should be removed.

R-11 2010 Convention Reconvened
Offered by: The Standing Committee
Subject: Corporate Charter Purpose Statement

Resolved, that the Purpose Statement of the Corporate Charter for the Diocese of South Carolina be amended as follows

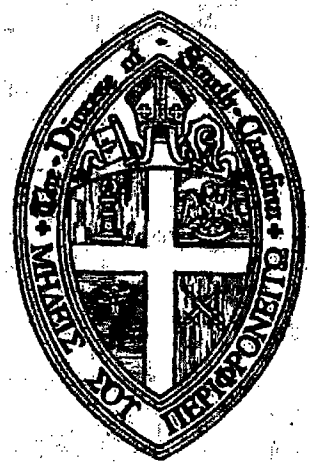
FOURTH: The purpose of the said proposed Corporation is to maintain the operation of an Episcopal Diocese under the Constitution and Canons of The Protestant Episcopal Church in the United States of America [illegible]

R-12 Creating a Safer Church
Offered by: The Rev. Jennie Olbrych and The Rev. Canon Jim Lewis
Subject: Creating a Safer Church

Whereas, in order that all of God's children may live and grow in safety and free from unwanted sexual abuse by the age of 18, defending all children from harm is of paramount importance; and

Whereas, the Church as a trusting and nurturing environment has inadvertently found itself a place for those seeking to take advantage of children; and

DSC 3 - Journal of the Diocese's Annual Convention (2011) (excerpts)



THE JOURNAL

of the

TWO HUNDRED AND TWENTIETH

ANNUAL MEETING OF THE

CONVENTION

of the

DIOCESE OF SOUTH CAROLINA

Parish Church of St. Helena's
Beaufort, South Carolina
February 18 & 19, 2011

PLAINTIFF'S EXHIBIT Diocese-3
PENGAD 800-631-6989

Letters Dimissory out of the Diocese to the following Diocese:

The Rev. Mercedes Julian	Rhode Island
The Rev. Joe Gibbes	Alabama
The Rev. Becky Coerper	Central New York
The Rev. Malone Gilliam	Tennessee
The Rev. Scott Fleischer	Upper South Carolina
The Rev. Ken Alexander	removed from the Episcopal Church
The Rev. Richard Bates	removed from the Episcopal Church
The Rev. Mark Cooke	removed from the Episcopal Church
The Rev. Anthony Kowbeidu	removed from the Episcopal Church
The Rev. Brian Morgan	removed from the Episcopal Church
The Rev. Mark Riggs	removed from the Episcopal Church
The Rev. Steve Wood	removed from the Episcopal Church
The Rev. John Yates, Jr.	removed from the Episcopal Church

Ordinations since 219th Diocesan Convention:

Priesthood:	
The Rev. Chuck Pollak	May 2010
The Rev. Dagnall Free	December 2010
The Rev. Robert Kunes	December 2010
Vocational Diaconate:	
The Rev. Ann Boutcher	September 2010
The Rev. Ed Dyckman	September 2010
The Rev. Brian Gill	September 2010
The Rev. Lee Harshon	September 2010
The Rev. Martha Horn	November 2010
Transitional Diaconate:	
The Rev. Tyler Prescott	January 2011

The Bishop introduced the following guests:

The Rt. Rev. Michael Nazir-Ali and Mrs. Valerie Nazir-Ali
The Rt. Rev. Edward Haynsworth, retired Bishop of Nicaragua and Retired Co-Adjutor in SC
The Rt. Rev. Alden Hathaway, Retired Bishop of Pittsburgh
The Rt. Rev. Alex Dickson, Retired Bishop of West Tennessee
The Rev. Dr. Leander Harding, Trinity School for Ministry
The Very Rev. Dr. Robert Munday, Dean and President of Nashotah House
Mr. Matthew Carter, Senior at Nashotah House
Mr. Jason Collins, Senior at Nashotah House
Mr. Jonathan Bennett, Junior at Trinity School for Ministry
Mr. Trevor Spencer, Junior at Trinity School for Ministry

Motion to suspend the rule giving all parishes and missions seat, voice and vote due to PAROCHIAL REPORT deadline March 1, 2011....motion to GIVE SEAT, VOICE AND VOTE. Passed.

The Report of the Trustees was submitted by title. **Appendix VII, page 63**
The Report of the Treasurer was submitted by title. **Appendix VIII, page 77**

Mr. John Wallace presented the Proposed Budget which was approved by Diocesan Council in January 2011. By voice vote of Convention, the Budget was approved. **Appendix VII, page 103**

Bishop Lawrence addressed the convention. **Appendix I, page 21**

A short mid morning break was taken following Bishop Lawrence's address, and Convention resumed at 10:55 am.

The report of the Nominating Committee was presented by the Rev Canon Jim Lewis, (filling in for The Rev. Arthur Jenkins, Nominating Committee Chair, who was serving as Chaplain for the Annual Men's Conference). He reported that the report of the committee was mailed to the clergy and deputies and that an amended report was included in the deputy packets.

Note: Election #1, a nomination was made from the floor by The Rev. Jeffrey Miller, submitting The Rev. Al Zadig's name to be included in the slate for Standing Committee, Clergy. No other nominations were made from the floor.

Voting, electronically, was completed at this time. Results can be found in Appendix III, page 48

Following the elections, the chair recognized Mr. Daron Taylor, Coordinator of College and Young Adult Ministry for the Diocese, to present his annual report. See page 129

A recess was taken for lunch at 11:55, and the Convention was reconvened at 1:10 pm.

The chair recognized Mr. David Wright, Coordinator of Youth Ministry for the Diocese, to present his annual report. See page 132

Michael Ridgill, Secretary said that there were two pre-filed resolutions that were in the packet. These resolutions were presented by The Rev. Jeffrey Miller for the Standing Committee and the Bishop.

The Resolutions Committee, chaired by Mr. Alan Runyan, presented the following Resolutions:
Appendix IV, page 49

R-1, "*Amendment of the Constitution of the Diocese of South Carolina*": 2nd Reading offered by The Standing Committee , passed by majority roll call vote of both clergy and laity.
R-2, "*Article XII – Of Altering the Constitution*", 2nd Reading, offered by The Standing Committee, passed by majority roll call vote of both clergy and laity.

Following the passing of Amendments R-1 and R-2, Mr. Peter Rothermel, Coordinator of Christian Faith Formation, presented his vision for Family Ministry in the Diocese of South Carolina. This included a video testimony by the Rev. Arthur Jenkins. See page 125

The following reports were filed by title:

Bishop Gadsden, ECW, Diocesan Staff Reports, York Place, Porter-Gaud School, Kanuga, Voorhees College, Diocesan Council, University of the South, Kairos, Commission on Ministry, Episcopal Relief and Development.

Mr John Wallace reported for the Finance Committee, stating that the committee report is filed by title.

The Rev. Craige Borrett, Chair of the Bishop's Address Committee, reported for that committee and presented the following resolutions which were duly seconded and passed: pages 50-52.

Bishop's Address R-1	Stewardship
Bishop's Address R-2	Regarding Growth
Bishop's Address R-3	Biblical Anglicans for A Global Age
Bishop's Address R-4	Leadership
Courtesy One	Gratitude to the Rt. Rev. Michael Nazir-Ali, Assisting Bishop of Anglican Communion Relations
Courtesy Two	Gratitude to Dr. Patrick Perryman and The Session of the First Presbyterian Church

DSC-J-313-19424

APPENDIX IV

RESOLUTIONS ADOPTED

Resolution R-1 2011 Diocesan Convention

Offered by: The Standing Committee
Subject: *Amendment of the Constitution of the Diocese of South Carolina*
[2nd Reading]

Resolved that Article I of the Diocese of South Carolina is hereby amended to read as follows:

The Church in the Diocese of South Carolina accedes to ~~and adopts~~ the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States of America. ~~and acknowledges this authority accordingly.~~

In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.

Resolved that Article VIII.1.a.2.e regarding requirements of new parishes is hereby amended to read as follows:

e. its willingness to conform to the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are, or thereafter may be, enacted by the authority of the ~~same~~ Diocese.

Resolved that Article VIII.1.B.2.e regarding admission requirements for new missions is hereby amended to read as follows:

e. the extent of its ability to support its work, its willingness to conform to the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the same Diocese

Resolved that Article X.1 regarding Deputies to General Convention is hereby amended to read:

Section 1. At an Annual Convention **during the triennium between General Conventions,** but **preceding each General Convention,** four Presbyters and four laypersons, having qualifications established by the Constitution ~~and Canons~~ of the Episcopal Church, shall be chosen by ballot to represent the Diocese at the next succeeding General Convention. Four other Presbyters and four other laypersons, having the same qualifications, shall be chosen by ballot, as alternates for those selected. Such representatives and alternates shall serve until their successors are elected and qualified.

Resolved that Article XI regarding the Trial of Clergyman is hereby amended to read:

A clergyman shall be subject to a trial for offences enumerated ~~in the Canons of the General Convention or~~ in the Canons of this Convention, and if found guilty shall be sentenced in accordance therewith. The trial shall be conducted according to the Canons of this Convention

Explanation:
The Diocese of South Carolina, as a founding Diocese of the Episcopal Church, has freely exercised its sovereignty in acceding to the Constitution and Canons of the Episcopal Church.
The changes in the Title IV section of the Canons of The Episcopal Church contradict the Constitution of The Episcopal Church and represent both an unacceptable change in our polity and an indefensible infringement upon the due process rights of all the clergy of this Diocese.

Protection of the sovereignty of the Diocese, consistent with the Constitution of The Episcopal Church and the right to due process for its clergy, requires that accession to the Canons of The Episcopal Church be removed. This change preserves our ability to continue under the Constitution of the Episcopal Church.

Resolution R-2 2011 Diocesan Convention

Offered by: The Standing Committee
Subject: *Article XII - Of Altering the Constitution*
[2nd Reading]

RESOLVED, that Article XII of the Constitution of the Diocese of South Carolina regarding changes to the Constitution is hereby amended to read:

No alteration or amendment of, or addition to this Constitution shall be made unless the same be proposed in writing and in duplicate on the first day of an Annual a Convention and after reference to the Committee on Constitution and Canons, is adopted by a majority vote of the Convention at which it is proposed, and further adopted by a two-thirds vote of both Orders present at the next Annual Convention.

Explanation:
The proposed changes make it possible for Convention to make changes to its Constitution in less time than the one year process encompassed by the current wording of the Article.

R-12 Creating a Safer Church
Offered by: The Rev. Jennie Olbrych and The Rev. Canon Jim Lewis
Subject: Creating a Safer Church

Whereas, national statistics continue to indicate that 1 in 4 girls and 1 in 6 boys experience sexual abuse by the age of 18, reflecting an ongoing problem of disturbing proportions, and

Whereas, the Church, as a trusting and nurturing environment has frequently found itself a target of those seeking to take advantage of children, and

Whereas, the Diocese of South Carolina has an established record of taking such actions as are necessary to defend the innocent and be holy stewards of the lives entrusted to our care, therefore,

Be it resolved that the Diocese of South Carolina commits itself to consider at its February 2011 Convention such recommendations as should be implemented to further insure the safety of church programs and incorporate those additional policies, such as the elimination of the statute of limitation on offenses of child sexual abuse, as are appropriate to safeguard our children, and

Be it further resolved that the Bishop be asked to appoint a task force for the development of such recommendations for the Convention's consideration.

Bishop's Address 1

Offered by: The Bishop's Address Committee
Subject: Reconciliation

Whereas, the ministry of reconciliation is a gift from God

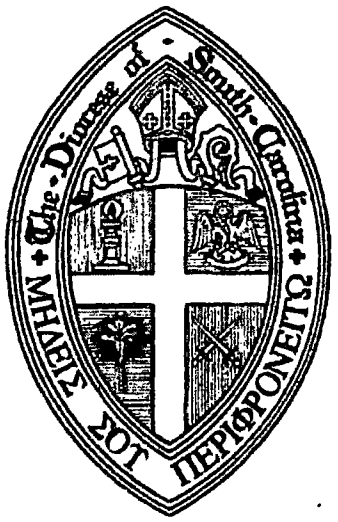
And Whereas, reconciliation is such a profound work of God's grace and the sacrificial labors of his people that could lay about bitterness, resentment and unforgiveness at the cross of Jesus Christ.

Be it resolved that All Saints Episcopal Church in Waccamaw be thankfully commended for their ending of any further litigation in property claims.

1049

DSC-J-313-19440

DSC 4 - Journal of the Diocese's Annual Convention (2012) (excerpts)



THE JOURNAL

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TWO HUNDRED AND TWENTY FIRST

ANNUAL MEETING OF THE

CONVENTION

of the

DIOCESE OF SOUTH CAROLINA

St. Philip's Church & The Cathedral of St. Luke and St. Paul
Charleston, South Carolina
March 9 & 10, 2012
And
Special Convention Proceedings
St. Philip's, Charleston, South Carolina
November 17, 2012

PLAINTIFF'S EXHIBIT Diocese-4
51
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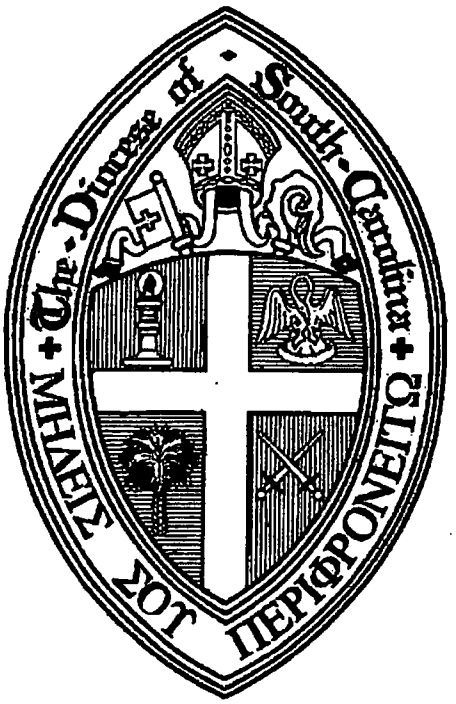
DSC-J-313-19513



Proceedings of the Special Convention

Of the Diocese of South Carolina

Saturday, November 17th, 2012

DSC-J-313-19710

Assistant Secretaries of the convention were appointed: Mrs. Nancy Armstrong, Mrs. Susan Burns, and Mrs. Beth Snyder.

The Bishop appointed Mr. Wade Logan and Mrs. Karen Kusko to serve as Parliamentarians for the Convention

Secretary Michael Ridgill moved that the proposed agenda, found in the packets, become the official agenda. Motion passed.

.Secretary Ridgill moved to confirm the preceding appointments. Motion passed.

Bishop Lawrence addressed the convention. **Appendix I, page 5**
At the conclusion of his remarks, Bishop Lawrence received a prolonged standing ovation from the Convention.

A recess was taken for lunch at 11:40, and the Convention was reconvened at 12:40 pm.

The chair recognized Mr. Alan Runyan, chair of the Resolutions Committee.

R-1, proposed, *"Affirmation of the Actions of the Bishop and the Standing Committee*, Mr. Runyan noted that the Resolutions Committee had one suggested change to R-1, noting on page 2, the word "HE" should be changed to "GOD". After discussion from the floor, R-1 passed, requiring a simple majority voice vote of both clergy and laity.

Resolution R-1-passed 2012 Special Diocesan Convention
Offered By: The Following Clergy of the Diocese

Fitzsimmons Allison
Prince George, Georgetown
Mike Clarkson
Church of Our Saviour
Peet Dickinson
TheCathedral
David Dubay
Holy Trinity, Charleston
Ted Duvall
Christ Church, Mt. Pleasant
Hal Fenters
Trinity,Pinopolis
Paul Fuener
Prince George Winyah
Shay Gaillard
Good Shepherd, Charleston
Jimmy Gallant
St.Paul's,Orangeburg
Fred Gough
St.Barnabas,Dillon
Greg Snyder
St. John's, Johns Island
David Thurlow
St. Matthias, Summerton
Ken Weldon
St. John's, Florence
John Barr
Holy Comforter, Sumter

Craige Borrett
Christ St. Paul's, Yongesisland
John Bowden
Redeemer, Pineville
Iain Boyd
Trinity, Myrtle Beach
Karl Burns
All Saints, Florence
Wey Camp
Trinity, Edisto
Chris Warner
HolyCross, Sullivan'sIsland

Thomas Hendrickson
Epiphany,Eutawville
Robert Horn
Holy Trinity, Grahamville
Bob Horowitz
St. Jude's, Walterboro
Michael Hub
St. Matthews, Fort Motte
Tripp Jeffords
St. Paul's, Conway
Arthur Jenkins
St. James, Charleston
Greg Kronz
St. Luke's, Hilton Head Island

Frank Larisey
Redeemer,Orangeburg
Mike Lumpkin
St.Paul'sSummerville
Haden McCormick
St.Philips,Charleston
Jeff Miller
Parish Church of St. Helena, Beaufort
Andrew O'Dell
St. Matthews, Hartsville
Charles Owens
Church of the Cross, Bluffton
Michael Ridgill
St. Bartholomew's, Hartsville
Al Zadig
St. Michael's, Charleston
Dallas Wilson
St. John's Chapel, Charleston
Tom Woodle
The Well, Myrtle Beach

Subject: Affirmation of the Actions of the Bishop and the Standing Committee

Whereas, The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese") has been in existence since 1785 and has from time to time additionally called herself, and been known variously as, The Protestant Episcopal Church in South Carolina, The Protestant Episcopal Diocese of South Carolina, The Protestant Episcopal Church in the State of South Carolina, The Episcopal Diocese of South Carolina and the Diocese of South Carolina; and

Whereas the Diocese continues to be additionally called and known today as the Diocese of South Carolina and The Episcopal Diocese of South Carolina; and

Whereas The Protestant Episcopal Church in the Diocese of South Carolina and such additional names as are immediately set forth above and its seal have been recognized by the South Carolina Secretary of State as protected marks of this Diocese;

Whereas, this Diocese held its first convention on May 12, 1785 in Charleston, and has met annually and as specially called since then; and

Whereas, this Diocese adopted its first Constitution in 1786; and

Whereas, this Diocese preexisted the formation of The Episcopal Church ("TEC") in 1789 and was one of its founders; and

Whereas, this Diocese has from time to time joined with, and withdrawn from, other associations as a member including TEC, the Church in the Confederate States and the Anglican Communion Network; and

Whereas, the Standing Committee of the Diocese, in a resolution passed and adopted on October 2, 2012, in the exercise of its rightful authority under the governing instruments of the Diocese, disaffiliated with TEC by withdrawing the Diocese's accession to the Constitution of, and its membership in, TEC; and

Whereas, the Disciplinary Board for Bishops of TEC claims that it certified on September 18, 2012 that our Bishop, the Rt. Rev. Mark J. Lawrence, had abandoned the TEC; and

Whereas, the Presiding Bishop, the Most Rev. Katharine Jefferts Schori, informed Bishop Lawrence of that alleged action on October 15, 2012; and

Whereas, these actions were taken in accordance with certain national Canons that are unconstitutional, that are being reconsidered by resolution of the General Convention 2012, and that are not in any event applicable to this Diocese; and

Whereas, repeated actions taken by the leadership and General Convention of TEC have been in violation of their own Constitution and Canons, have been repugnant to the plain teachings of Scripture and are therefore heretical, and have been out of order with historic Christian faith and practice; therefore be it

Resolved, that we, the Convention of this Diocese, at this Special Convention duly called by the Ecclesiastical Authority of the Diocese hereby declare that we concur in the decision of the Standing Committee that we are no longer in any relationship with TEC, including union or association with in any capacity, and we declare her rightful Bishop to be the Rt. Rev. Mark J. Lawrence. By stating this, we declare that as God has sent Bishop Lawrence to be our Bishop, only God has the authority to declare otherwise; and be it

Further Resolved, that the Convention of this Diocese repudiates the actions of TEC purportedly taken against our Bishop and declare null and void any claim by any member or representative of TEC to have any authority whatsoever over this Diocese or any authority over God's congregation at any of her parishes who willingly by their presence at this Convention and their vote on this resolution so declare.

R-2,, proposed *"Amendment of the Constitution of the Diocese of South Carolina" (1st Reading)*, After discussion from the Convention floor, R-2 passed by simple majority voice vote of both clergy and laity. 2 no votes were noted by the Convention Secretary.

Resolution R-2-PASSED 2012 Special Diocesan Convention

Offer By: The Standing Committee

Subject: Amendment of the Constitution of the Diocese of South Carolina [1st Reading]

Resolved, that the Constitution of the Diocese of South Carolina be, and the same is hereby amended, as set forth in the attached copy of the Constitution**(See Appendix II page ____)**

R-3 proposed, *"Amendment to the Canons of the Diocese of South Carolina"* presently jointly by the Constitution and Canons Committee and the Resolutions Committee After discussion from the Convention floor,

R-3 passed by a 2/3's majority roll call vote of the Clerical Order and of the Laity Order.

A Special Committee on Canons will be formed in the near future to address issues raised due to our Constitutional and Canonical changes. .

Bishop Lawrence reminded the Convention of the Annual Convention date, already slated for March 8th and 9th, 2013, to be tri-hosted by St. John's, Florence, All Saints, Florence, and St. Matthew's, Darlington.

The 2012 Special Diocesan Convention was adjourned at 1:25 pm.

DIOCESE OF SOUTH CAROLINA

CONSTITUTION

~~ARTICLE I~~

~~The Church in the Diocese of South Carolina accedes to the Constitution of the Protestant Episcopal Church in the United States of America. In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.~~

ARTICLE II
Of Diocesan Convention Meetings

Section 1. A Diocesan Convention shall be held annually, at such time and place as shall have been determined upon by the preceding Convention; or, on failure of the Convention so to determine, at such time and place as the Ecclesiastical Authority shall appoint.

Section 2. The Ecclesiastical Authority of the Diocese shall have power to call a special meeting of the Convention by giving at least thirty (30) days' notice to every clergyman entitled to a seat in the Convention, and to every Parish and Mission in the Diocese in ~~u~~Union with the Convention, and such meeting shall be held when and where the Authority so calling it shall determine and at such meeting no other business shall be transacted than that specified in the notice so calling said meeting: PROVIDED, That whenever a special meeting of Convention is called for the purpose, in whole or in part, of electing a Bishop, Bishop Coadjutor, or Suffragan Bishop, Lay Deputies from the several Parishes and organized Missions in union with Convention shall be elected after the call has been issued for such special meeting.

Section 3. If, in the judgment of the Ecclesiastical Authority, there exists sufficient cause to require a change of time or place for the meeting of a Convention either annual or special, the said Authority may designate another time or place of holding such meeting, to be held within 30 days after the time originally designated and after notice to every clergyman and Parish and Mission in the Diocese.

ARTICLE III
Of Diocesan Convention Members

Section 1. The Convention shall be composed of clergymen and laypersons, as hereinafter provided.

Section 2. The following shall be entitled to all of the privileges as members of the Convention: The Bishop of this Diocese; the Retired Bishops of the Diocese; the Bishop Coadjutor of the Diocese, when there is one; Suffragan Bishops of this Diocese, if there be any; ~~the Archdeacon of the Diocese, if Non-Parochial;~~ every clergyman who is actually and canonically resident within the Diocese and discharging the duties of his station as Rector, Minister, or Assistant Minister of an organized Parish or organized Mission; and every clergyman, who, after a continued membership of at least twenty years in the Convention is incapacitated by the infirmities of health or age from further active duties of the ministry, and is canonically and actually resident in the Diocese. The following shall also be entitled to all the privileges as members of the Convention: every clergyman canonically resident in the Diocese who is employed either by the Diocese or actively engaged in the work of the Church in the Diocese or at its affiliated institutions, PROVIDED, that no vote shall be received from any clergyman who has failed to deliver the Parochial Report required by Section 4 of Canon XXV by February first (1) preceding the Convention,

unless he be accorded such privilege by a majority vote of the Convention. ~~Vocational~~ Deacons, otherwise qualified for membership in the Convention shall be entitled to seat and voice but not vote. Clergy Canonically Resident, but not otherwise qualified for membership in the Convention, shall be entitled to seat and voice, but no vote.

Section 3. Each Parish and each Mission in union with the Convention shall be entitled to lay representation in the Convention: a Parish by not more than four laypersons and a Mission by not more than two laypersons. The election of said Lay Deputies shall take place in each Parish and each Mission, which has been admitted to union with the Convention, by voice vote unless the presiding officer in his sole discretion determines that the result is unclear then it shall be by ballot of those in attendance ~~ballot,~~ from among the confirmed Communicants, at a meeting of the members thereof, on the Second Monday in January of each year, or some other day thereafter to be appointed, upon not less than one week's notice given by the Rector, or the Vestry, if there be no Rector. An equal number of Lay Deputies may be elected to serve as alternates or substitutes for such Lay Deputies, elected as above, who may not, from any cause, attend the Convention when it assembles, or who may not remain in such attendance; PROVIDED, that no votes shall be received from any Parish or Mission which has failed to comply with the requirements of the Canon as to Parochial Reports by February first (1) preceding the Convention, unless they be accorded such privilege by a majority vote of the Convention.

Section 4. The terms of office of Deputies so elected shall continue until their successors are elected, and shall before they are permitted to take their seats, produce written testimonials of their election.

Section 5. No deputy shall represent more than one Parish or Mission or have more than one vote; and, if a Lay Deputy, he/she shall not represent any Parish or Mission unless he/she is a communicant of such Parish or Mission and is not enrolled as a communicant of any other Parish or Mission.

Section 6. When the Convention shall have been called to order, the list of the Clergy prepared by the Bishop or Ecclesiastical Authority, shall be laid before the Convention and the names of the Clerical members shall be called therefrom. Immediately thereafter the Secretary shall proceed to call the names of the Lay Deputies; after which, if a quorum be found present, the President shall declare the Convention duly organized. PROVIDED, however, that if the Clerical and Lay Deputies have been registered on the opening day of the Convention and such registration is then in the hands of the Secretary, said roll calls may be dispensed with. PROVIDED, FURTHER, that if a question be made, the right of any clergyman or Lay Deputy shall be determined according to the provisions of the Constitution itself.

ARTICLE ~~III~~IV
Of a Quorum

A majority of the Clerical Order, together with ~~and~~ Lay Representatives from a majority of the Missions and Parishes in union with the Convention~~churches~~ shall constitute a quorum for the transaction of business generally, but any number of either Order that shall assemble may recess or adjourn from day to day until a quorum is formed.

ARTICLE IV
Of the President

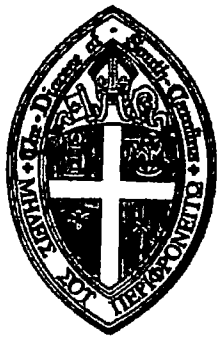
The Bishop of the Diocese shall be ex officio President of the Convention, and in his absence the Bishop Coadjutor, if there be one. But in case neither of them be present, the Suffragan Bishop, if there be one, then the President of the Standing Committee shall be the President of the Convention; and if they be not present, a presiding officer shall be elected from among the attending presbyters.

ARTICLE VI
Of the Other Officers of the Diocese

Section 1. The other officers of the Diocese shall be a Chancellor, ~~an Assistant Chancellor~~, aan ~~Executive~~ Secretary of the Diocese, a Treasurer, and a Historiographer who may also be the Secretary of

DSC 5 - Journal of the Diocese's Annual Convention (2013) (excerpts)

PLAINTIFF'S EXHIBIT Diocese-5
PENGAD 800-631-6989



THE JOURNAL

of the

TWO HUNDRED AND TWENTY SECOND

ANNUAL MEETING OF THE

CONVENTION

of the

DIOCESE OF SOUTH CAROLINA

Francis Marion Fine Arts Center
March 8th and 9th, 2013

Hosted by
St. John's, Florence, All Saints, Florence & St Matthew's, Darlington

DSC-J-19826

The Diocesan Office
P. O. Box 20127, Charleston, SC 29413-0127
Phone: (843) 722-4075

THE BISHOP
The Rt. Rev. Mark J. Lawrence

CANON TO THE ORDINARY
The Rev. Canon James Lewis

COORDINATOR FOR CHRISTIAN FAITH FORMATION
Mr. Peter Rothermel

COORDINATOR FOR YOUTH MINISTRIES
Mr. David Wright

ASSISTANT TREASURER
Mrs. Nancy Armstrong

CHANCELLOR
Mr. Wade H. Logan, III

TREASURER
Mr. John Wallace

COMMUNICATIONS DIRECTOR & Editor of Jubilate Deo
Mrs. Joy Hunter

HUMAN RESOURCES MANAGER AND DIOCESAN RESOURCE LIBRARIAN
Mrs. Susan Burns

EXECUTIVE ASSISTANT TO THE BISHOP & CONVENTION COORDINATOR
Mrs. Beth Snyder

ST. CHRISTOPHER CAMP AND CONFERENCE CENTER
2810 Seabrook Island Road, Johns Island, SC 29455
EXECUTIVE DIRECTOR
The Rev. Robert Lawrence

1060

Convention Committees

Bishop's Address:
The Rev. Jeffrey Miller, Chair
The Very Rev. Craige Borrett
The Rev. Ken Weldon
The Rev. Shay Gaillard
Mr. Frank Kirk
Mr. Drak Drakeford
Mrs. Franchie Richards
Mrs. Frances Tovey

Constitution and Canons:
Mr. Wade Logan, Chair
The Very Rev. Paul Fuerer
The Rev. Marcus Kaiser
The Rev. Al Zadig
Mrs. Suzanne Schwank
Mr. William Lyles
Mrs. Ann Hester Willis

Courtesy:
The Rev. Jason Collins, Chair
The Rev. Ed Dyckman
The Rev. Michael Sheedy
Mr. Pinckney Thompson
Mr. Joey Alga

Clergy Credentials:
The Rev. Andrew O'Dell, Chair
The Rev. Louise Weld
The Rev. Jonathan Bennett

Lay Credentials:
Mrs. Sue Griffin, Chair
Mr. Sam Turbeville
Mrs. Iris Hodge

Dispatch of Business:
The Rev. Dr. Michael Ridgill
The Rev. Karl Burns

Elections:
The Rev. Dr. Michael Ridgill
Mrs. Nancy Armstrong

Finance:
Mr. David Soutter, Chair
The Rev. Dr. Michael Ridgill
The Rev. Dagnall Free
Mr. John Wallace
Mr. Mark Prince

Necrology:
The Rev. Matthew Schneider, Chair
The Rev. Dawn Rider
Mrs. Allie Walker
Mrs. Louisa Montgomery

New Parishes and Missions:
The Very Rev. Peet Dickinson, Chair
The Rev. Chad Lawrence
The Rev. Frank Sanders
Mr. Mike Knight

Nominations:
The Rev. Arthur Jenkins, Chair
The Very Rev. David Thurlow
The Rev. Cn. Jim Lewis
The Rev. Andrew O'Dell
The Rev. Shay Gaillard
The Rev. Ted McNabb
The Rev. Tripp Jeffords
Mrs. Elaine Crafton
Mrs. Ann Dennis
Mr. Peter Rothermel
Mr. Dave Wright
Mr. Bill Clarkson
The Very Rev. Paul Fuerer

Resolutions:
Mr. Alan Runyan, Chair
The Rev. Dr. Kendall Harmon
The Rev. Tripp Jeffords
The Rev. Michael Clarkson
Mr. Haigh Porter
Mr. Ken Wilson

Letters Dimissory out of the Diocese to the following Diocese:

The Rev. Robert Sturdy	removal
The Rev. James Barnhill	Upper South Carolina
The Rev. Creighton Evans	Southwest Florida
The Very Rev. John Burwell	Central Florida
The Rev. Leander Harding	Albany
The Rev. William Miller	Pittsburgh
The Rev. Dow Sanderson	Springfield
The Rt. Rev. Edward Salmon	Springfield
The Rev. Todd Schmidtetter	Pittsburgh

Ordinations since the 221st Diocesan Convention:

Vocational Diaconate:

The Rev. Eddie Driggers	December 2012
The Rev. John Foster	December 2012
The Rev. Michael Sheedy	December 2012
The Rev Frank Sanders	December 2012

Transitional Diaconate:

The Rev. Reggie Corfield	September 2012
The Rev. Matthew Schneider	June 2012
The Rev. Jonathan Bennett	January 2013

Priesthood:

The Rev. Matthew Schneider	December 2012

The Bishop introduced the following guests:

The Rt. Rev. Keith Ackerman, Retired Bishop of Quincy
The Rt. Rev. Alex Dickson, Retired Bishop of West Tennessee
The Rt. Rev. Alden Hathaway, Retired Bishop of Pittsburgh
The Rt. Rev. FitzSimmons Allison, Retired Bishop of South Carolina
Mr. Trevor Spencer, Senior, Trinity School for Ministry
Mr. Jamie Sosnowski, Middler, Trinity School for Ministry
Mr. Joe Lawrence, Middler, Trinity School for Ministry

The Rev. Canon Jim Lewis, Canon to the Ordinary, gave a brief explanation on Parochial Report submissions. Following his report, a motion was made to allow all parishes and missions present and duly certified, permission to proceed. Unanimously passed by Convention.

No new business to report from the New Parishes and Missions Committee, led by The Very Rev. Peet Dickinson.

The Annual Communication from the Standing Committee was submitted by title.
The Report of the Trustees was submitted by title. Appendix VI, page 62
The Report of the Treasurer was submitted by title. Appendix VII, page 68

Mr. John Wallace presented the Proposed Budget which was approved by Diocesan Council in January 2013. By voice vote of Convention, the Budget was approved. Appendix VIII, page 104

Bishop Lawrence addressed the convention. Appendix IX, page 105

The report of the Nominating Committee was presented by the Rev. Arthur Jenkins. He reported that the report of the committee was mailed to the clergy and deputies and that an amended report was included in the deputy packets.

Voting, electronically, was completed at this time. Results can be found in Appendix X, page 108

Following the elections, the chair recognized The Rev. Bob Lawrence, Director of St. Christopher Camp and Conference Center. Fr. Bob gave a brief history of St. Christopher, inviting all to be a part of the upcoming 75th Anniversary June 2013. In addition, there were opportunities to support the restoration efforts of the Chapel of the Palms. A moving video presentation concluded his presentation.

The chair recognized Mrs. Ann Dennis, President of the Diocesan Church Women. She shared some words of encouragement as we move forward in faith.

A recess was taken for lunch at 12:05 pm, and the Convention was reconvened at 1:05 pm.

The chair recognized Mr. David Wright, Coordinator of Youth Ministry for the Diocese, to present his annual report. page 337

The chair recognized Mr. Peter Rothermel, Coordinator of Christian Faith Formation. He presented his continuing vision for Family Ministry in the Diocese of South Carolina. page 335

The Rev. Michael Ridgill, Secretary stated that there were two pre-filed resolutions.

R-1 2nd reading to the changes to the Constitution of the Diocese of South Carolina.
A 2/3's majority was required to pass this Resolution by Convention, passed by an overwhelming majority roll call vote.

R-2 "Anglicans For Life" Resolution-presented by The Rev. Shay Gaillard (+16 clergy & 11 laity sponsors), passed by a unanimous voice vote.

The following reports were filed by title:
ECW, Bishop Gadsden, York Place, Kanuga, Commission on Ministry, Sewanee, St. Andrew's, Sewanee, Porter Gaud, Episcopal Relief and Development, Voorhees College, Cursillo, and Kairos.

The Rev. Jeffrey Miller, Chair of the Bishop's Address Committee, reported for that committee and presented the following resolutions which were duly seconded and passed: Appendix XI, page 248

R 3- Promised Land
R 4- Emerging Anglicans in the 21st Century
R 5- Galatians Church
R 6- Clergy & Laity
R 7- Idols
R 8- Wider Anglican Community/Prayers for Persecuted Brothren
R 9- Acts-Antioch Church
R10-St. Paul's-Timothy
R11-Holy Spirit-St. Augustine

DSC 6A - Bylaws of the Diocese (December 16, 2010)

The Protestant Episcopal Church
in the Diocese of South Carolina
EIN # 57-0314383
Page 2
Part II
Line 5

BYLAWS
OF
THE PROTESTANT EPISCOPAL CHURCH
IN THE DIOCESE OF SOUTH CAROLINA
a South Carolina nonprofit religious corporation

ARTICLE I
PURPOSE, OFFICES AND REGISTERED AGENT

Purpose. The purpose of the Corporation shall be to continue the operation of The Protestant Episcopal Church in the Diocese of South Carolina.

Principal Office. The Corporation shall maintain its Principal Office at 1020 King Street, Charleston, SC, 29403 or such other place as designed from time to time by the Board of Directors for the principal executive offices of the Corporation (the "Principal Office").

Registered Office. The Corporation shall maintain a Registered Office at a location in the State of South Carolina designated by the Board of Directors from time to time (the "Registered Office"). In the absence of a contrary designation by the Board of Directors, the Registered Office of the Corporation shall be located at its Principal Office.

Registered Agent. The Corporation shall maintain a Registered Agent who shall have a business office at the Corporation's Registered Office. The Registered Agent shall be designated by the Board of Directors from time to time to serve at its pleasure. In the absence of such designation the Registered Agent shall be the Corporation's Legal Counsel.

Fillings. In the absence of directions from the Board of Directors to the contrary, the Secretary of the Corporation shall cause the Corporation to maintain currently all filings in respect of the Principal Office, Registered Office and Registered Agent with all governmental officials as required by law.

ARTICLE II
DIRECTORS

Management. The Board of Directors shall be responsible for the management of the business and affairs of the Corporation.

Qualification. All Directors shall be natural persons.

Number. The number of Directors shall be twelve (12). The present directors are:

Patrick Allen
Church of the Holy Communion
218 Ashley Ave
Charleston SC 29403-5245

J. Reid Boylston, III

9468 Marlboro Ave
Barnwell, SC 29812-1920

Ann Dennis
PO Box 161
Darlington SC 29540-0161

C Meredith Drakeford
16 Buford St
Sumter SC 29150-4735

Lydia Evans

216 Wentworth St
Charleston SC 29401-1252

Paul C. Fuener
Prince George Winyah
PO Box 674
Georgetown, SC 29442

Samuel P (Shay) Gaillard IV
Church of the Good Shepherd
1393 Miles Dr
Charleston SC 29407-5163

Jeffrey S Miller
The Parish Church of St Helena
PO Box 1043
Beaufort SC 29901-1043

Lynda Richards

1470 Fiddlers Marsh Dr
Mount Pleasant SC 29464-4285

M. Dow Sanderson
Church of the Holy Communion
218 Ashley Avenue
Charleston, SC 29403

David Thurlow
St. Matthias Church
PO Box 336
Summerton SC 29148-0336

Ann Hester Willis

28 Charlotte St
Charleston, SC 29403-6330

Election of Directors. The twelve (12) Directors (the "Elected Directors") shall be elected hereafter as follows: there shall be six (6) clergy members and six (6) laypersons. The members of the Board shall be elected by ballot as follows: at each succeeding annual Convention of the Diocese two clergy members and two lay persons shall be elected for a term of three (3) Convention years. No clergy member or lay person whose term has expired shall be eligible for re-election to this board until the passage of one Convention year from the date of said expiration. The Directors shall hold office from the date of each such Director's election until each such Director's successor shall have been duly elected and qualified, or until each such Director's earlier removal, resignation, death, or incapacity. A majority of the vote of the Board members present shall be necessary for a decision. At their next meeting following the annual convention the Board of Directors shall choose one of their clergy members to be the President. A majority of the Board shall appoint a President.

The Bishop of the body now known as The Protestant Episcopal Church in the Diocese in of South Carolina (hereinafter the "Bishop") shall be an ex officio member of the Board with seat and voice, but no vote. In the event of a dispute or challenge regarding the identity of the Bishop of The Protestant Episcopal Church in the Diocese of South Carolina, the Elected Directors shall have the sole authority to determine the identity and authority of the Bishop. The Bishop of the Diocese is:

Mark J. Lawrence
Diocese of South Carolina
PO Box 20127
Charleston SC 29413-0127

Resignation of Directors. A Director may resign at any time by delivering written notice to the Board of Directors. A resignation is effective when the notice is effective unless the notice specifies a later date. If the resignation is made effective at a later date, the Board of Directors may fill the pending vacancy before the effective date if the Board of Directors provides that the successor does not take office until the effective date.

Removal. Removal of any member of the Board of Directors of the Corporation shall be at the discretion of the other members of the Board of Directors following the prescribed methods below and shall not be subject to any outside influence.

1. Removal of the laypersons who are members of the Board of Directors requires a unanimous vote of the other members of the Board of Directors.
2. Removal of the clergy members who are members of the Board of Directors requires a unanimous vote of the other members of the Board of Directors. The vote shall be taken only after strict adherence to the procedures for the removal of clergy members of The Protestant Episcopal Church in the Diocese of South Carolina.
3. Removal of the Bishop from the Board of Directors requires a unanimous vote of the other members of the Board of Directors. The vote shall be taken only after strict adherence to the procedures for the removal of the clergy of The Protestant Episcopal Church in the Diocese of South Carolina.
    a. Employment Contract. The Board of Directors may vote to authorize agents of the corporation to enter into an employment contract with the Bishop of the Diocese.
    b. Termination of Employment Contract. The Board of Directors may terminate the Bishop's employment contract only after first voting unanimously to terminate the relationship and after calling a special convention of the Diocese where two-thirds vote by order of the duly elected delegates at the convention authorize the removal of the Bishop.

Vacancies. Any Vacancy on the Board of Directors may be filled by the other members of the Board of Directors, on a majority vote by orders, until the next annual, regular, or special meeting of the Board of Directors.

Annual and Regular Meetings. An annual meeting of the Board of Directors shall be called and held for the purpose of annual organization, changes in the established number of Directors, if any, appointment of Officers and committees, and transaction of any other business. An annual meeting of the Board of Directors shall be held at such time and place as may be specified in the notice of the meeting. The Board of Directors may by resolution provide for the holding of additional regular meetings without notice other than such resolution; provided, however, the resolution shall fix the dates, times, and places (which may be anywhere within or without the State of the Corporation's Principal Office) for these regular meetings. Except as otherwise provided by law, any business may be transacted at any annual or regular meeting of the Board of Directors.

Special Meetings; Notice of Special Meeting. Special meetings of the Board of Directors may be called for any lawful purpose or purposes by the President or at least twenty percent (20%) of the Directors then in office. The person calling a special meeting shall give, or cause to be given, to each Director at his business address, notice of the date, time and place of the meeting by any means of communication acceptable under these Bylaws not less than seven (7) days prior thereto. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensible manner. Written notice, if in comprehensible form, is effective at the earliest of the following:

1. When received;
2. Seven (7) days after its deposit in the United States mail, if mailed correctly addressed with first class postage affixed;

3. On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or

4. Ten (10) days after its deposit in the United States mail, if mailed correctly addressed and with other than first class, registered, or certified postage affixed.

Written notice is correctly addressed to a Director if addressed to the Director's business address shown in the Corporation's current records. If notice is given by telegram, the notice shall be deemed delivered when the telegram is delivered to the telegraph company and the transmission fee therefore is paid. If notice is given by telecopier facsimile transmission, the notice shall be deemed delivered when the facsimile of the notice is transmitted to a telecopier facsimile receipt number designated by the receiving Director, if any, so long as such Director transmits to the sender an acknowledgment of receipt. If the notice is given by electronic mail transmission, the notice shall be deemed delivered when the notice is transmitted to an electronic mail address designated by the Director, if any, so long as such Director transmits to the sender an acknowledgement of receipt. The notice of a special meeting shall describe the purpose of such special meeting. Any time or place fixed for a special meeting must permit participation in the meeting by means of telecommunications as authorized below.

Actions Requiring Special Notice. Meetings at which the following actions are to be considered shall require not less than seven (7) days prior effective written notice: (i) removal of a Director; (ii) a transaction involving a Director conflict of interest; (iii) indemnification of Officers, employees and agents; (iv) amendment of the Articles of Incorporation (the "Articles"); (v) amendment of these Bylaws; (vi) dissolution; (vii) a dispute or challenge regarding the identity of the Bishop and (viii) appointment of a Director due to any vacancy in the office of the Bishop.

Waiver of Notice of Meetings. Notice of a meeting need not be given to any Director who signs a waiver of notice either before or after the meeting. To be effective the waiver shall contain recitals sufficient to identify beyond reasonable doubt the meeting to which it applies. The recitals may, but need not necessarily, include reference to the date and purpose of the meeting and the business transacted thereat. Recital of the proper date of a meeting shall be conclusive identification of the meeting to which a waiver of notice applies unless the waiver contains additional recitals creating a patent ambiguity as to its proper application. The attendance of a Director at a Director's meeting shall constitute a waiver of notice of that meeting, except where the Director upon arriving at the meeting or prior to the vote on a matter not noticed in conformity with these Bylaws or the Articles, objects to lack of notice and does not thereafter vote or assent to the objected action.

Participation by Telecommunications. Any Director may participate in, and be regarded as present at, any meeting of the Board of Directors by means of conference telephone or any other means of communication by which all persons participating in the meeting can hear each other at the same time.

Quorum. A majority of the Directors, by orders, in office immediately before the meeting shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If a quorum shall not be present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is present.

Action. The Board of Directors shall take action pursuant to resolutions adopted by the affirmative vote of a majority of the Directors participating in a meeting at which a quorum is present, or the affirmative vote of a greater number of Directors where required by the Articles, these Bylaws, or by law.

Action Without Meeting. The Board of Directors may take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized. Such

written consent must be signed by all Directors and included in the minutes filed with the corporate records reflecting the action taken.

Presumption of Assent. A Director of the Corporation who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless (i) such Director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting, (ii) the Director votes against the action and the vote is entered in the minutes of the meeting, (iii) the Director's dissent or abstention for the action taken is entered in the minutes of the meeting, or (iv) the Director delivers written notice of dissent or abstention to the presiding Officer of the meeting before its adjournment or the Corporation immediately after the adjournment of the meeting. The right to dissent shall not apply to a Director who voted in favor of such action.

Committees. The Board of Directors may from time to time by resolutiondesignate and delegate authority to one or more committees. Any such committee may be designated as a regular committee appointed annually or as a special committee for specific circumstances or transactions with a limited duration. Each committee shall be composed of two or more Directors, who shall serve at the pleasure of the Board of Directors. The Board of Directors shall prescribe the duties, constitution, and procedures of any committee. The Board of Directors shall designate one member of each committee as its chairman. A committee may not authorize distributions; approve or recommend dissolution, merger, or the sale, pledge, or transfer of all or substantially all the Corporation's assets; elect, appoint, or remove Directors or fill vacancies on the board or on any committee; or adopt, repeal, or amend the Articles or these Bylaws.

Committee Meetings. A majority of each committee's voting members shall constitute a quorum for the transaction of business by the committee, and each committee shall take action pursuant to resolutions adopted by a majority of the committee's voting members participating in a meeting at which a quorum of the committee is present. Each committee may also take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized. Such written consent must be signed by all of the committee's voting members. Special meetings of any committee may be called at any time by any Director who is a member of the committee or by any person entitled to call a special meeting of the full Board of Directors. Except as otherwise provided in this section, the conduct of all meetings of any committee, including notice thereof, and the taking of any action by such committee, shall be governed by this Article.

Compensation. Directors shall not receive compensation for serving as a member of the Corporation's Board of Directors.

Order of Business. Unless otherwise determined by the President, the order of business at the annual meeting, and so far as practicable at all other meetings of the Board of Directors, shall be as follows:

1. Determination of a quorum
2. Reading and disposal of all unapproved minutes
3. Reports of Officers and committees, if applicable
4. Change in established number of Directors, if applicable
5. Appointment of Officers and committees, if applicable
6. Unfinished business, if applicable
7. New business
8. Adjournment

Unless, and to the extent, determined by the Board of Directors or the chairman of the meeting, or unless required by a specific rule to the contrary in these Bylaws, or the Articles, meetings of the Board of Directors shall be required to be held in accordance with the Robert's Rules of parliamentary procedure.

ARTICLE III
OFFICERS

In General. The Officers of the Corporation shall consist of the President and may, but need not, consist of a Secretary, a Treasurer, and may also include one or more Vice Presidents, and such additional vice presidents, assistant secretaries, assistant treasurers and other Officers and agents as the Board of Directors deems advisable from time to time. Any Officers appointed by the Board of Directors shall serve at the pleasure of the Board. Except as may be provided in the Articles, the Board of Directors may remove any Officer at any time, with or without cause. Any vacancy, however occurring, in any office may be filled by the Board of Directors for the unexpired term. One person may hold two or more offices. Each Officer shall exercise the authority and perform the duties as may be set forth in these Bylaws and any additional authority and duties as the Board of Directors shall determine from time to time.

President. Any Director so elected shall serve as the President and shall be the chief executive Officer of the Corporation and, subject to the authority of the Board of Directors, shall manage the business and affairs of the Corporation. The President shall whenever possible preside at all meetings of the Board of Directors,. The President shall see that the resolutions of the Board of Directors and authorized committees thereof are put into effect. Except as otherwise provided herein and as may be specifically limited by resolution of the Board of Directors or an authorized committee thereof, the President shall have full authority to execute on the Corporation's behalf any and all contracts, agreements, notes, bonds, deeds, mortgages, certificates, instruments, and other documents. The President shall also perform such other duties and may exercise such other powers as are incident to the office of president and as are from time to time assigned to him by these Bylaws, the Board of Directors, or an authorized committee thereof.

Vice Presidents. Except as otherwise determined by the Board of Directors, any Vice President appointed shall serve under the direction of the President. Except as otherwise provided herein, each Vice President shall perform such duties and may exercise such powers as are incident to the office of vice president and as are from time to time assigned to him by these Bylaws, the Board of Directors, an authorized committee thereof, or the President. In the absence, incapacity, or inability or refusal of the President to act, the most senior Vice President shall assume the authority and perform the duties of the President. If the Board of Directors appoints more than one Vice President, the seniority of the Vice Presidents shall be determined from their dates of appointment unless the Board of Directors shall otherwise specify. Designation of a "Senior" or "Executive" vice president by the Board of Directors, shall be an indication of seniority.

Secretary. Except as otherwise provided by these Bylaws or determined by the Board of Directors, any Secretary appointed shall serve under the direction of the President. The Secretary shall whenever possible attend all meetings of the Board of Directors, and whenever the Secretary cannot attend such meetings, such duty shall be delegated by the presiding Officer for such meeting to a duly authorized assistant secretary. The Secretary shall record or cause to be recorded under the Secretary's general supervision the proceedings of all such meetings and any other actions taken by the Board of Directors (or by any committee of the Board in place of the Board) in a book or books (or similar collection) to be kept for such purpose. The Secretary shall upon proper request give, or cause to be

ARTICLE V
TRANSACTIONS

Contracts. The Board of Directors may authorize any Officer or Officers, or agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Loans. The Board of Directors may authorize any Officer or Officers, or agent or agents, to contract any indebtedness and grant evidence of indebtedness and collateral therefore in the name of an on behalf of the Corporation, and such authority may be general or confined to specific instances.

Checks, Drafts, etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such Officer or Officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE VI
RECORDS

Forms of Records. When consistent with good business practices, any records of the Corporation may be maintained in other than written form if such other form is capable of reasonable preservation and conversion into written form within a reasonable time.

Corporate Records. The Corporation shall keep as permanent written records a copy of the minutes of all meetings of its Board of Directors, a record of all actions taken by the Directors without a meeting, and a record of all actions taken by committees of the Board of Directors. The Corporation shall maintain appropriate accounting records. The Corporation or its agent shall maintain a record of the name and address, in alphabetical order, of each Director. The Corporation shall keep a copy of the following records at its Principal Office:

1. its articles or restated articles of incorporation and all amendments thereto currently in effect;
2. its bylaws or restated bylaws and all amendments thereto currently in effect;
3. a list of the names and business or home address of its current Directors and Officers; and
4. the Corporation's most recent report of each type required to be filed by the Corporation with the South Carolina Secretary of State.

ARTICLE VII
MISCELLANEOUS

Fiscal Year. The fiscal year of the Corporation shall be established, and may be altered, by resolution of the Board of Directors from time to time as the Board deems advisable.

Seal. The seal of the Corporation shall be circular in form and shall have inscribed thereon the name of the Corporation, the year of its organization, and the words "Corporate Seal, State of South Carolina."

Amendments. Subject to the Articles, these Bylaws and the Articles may be altered, amended, or repealed and new Bylaws may be adopted by a majority vote of the Board of Directors then in office; provided that the notice of such meeting at which the Bylaws or Articles are to be altered, amended, or repealed and new Bylaws or Articles may be adopted is in accordance with Article II ("Directors") hereof and that such notice shall state that the purpose or one of the purposes of the meeting is to consider an amendment to the Bylaws or Articles and shall be accompanied by a copy or summary of the proposed change or state the general nature of the change.

Severability. If any provision of these Bylaws or the application thereof to any person or circumstances shall be held invalid or unenforceable to any extent by a court of competent jurisdiction, such provision shall be complied with or enforced to the greatest extent permitted by law as determined by such court, and the remainder of these Bylaws and the application of such provision to other persons or circumstances shall not be affected thereby and shall continue to be complied with and enforced to the greatest extent permitted by law.

Usage. In construing these Bylaws, feminine or neuter pronouns shall be substituted for masculine forms and vice versa, and plural terms shall be substituted for singular forms and vice versa, in any place in which the context so requires. The section and paragraph headings contained in these Bylaws are for reference purposes only and shall not affect in any way the meaning or interpretation of these Bylaws. Terms such as "hereof", "hereunder", "hereto", and words of similar import shall refer to these Bylaws in the entirety and all references to "Articles", "Paragraphs", "Sections", and similar cross references shall refer to specified portions of these Bylaws, unless the context clearly requires otherwise. All references to statutory provisions shall be deemed to include corresponding sections of succeeding law.

Conflict Between Bylaws and Articles. The Articles are incorporated herein by reference. Any conflict between the terms of these Bylaws and the Articles shall be resolved in the following order: (1) the Articles; and (2) these Bylaws.

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The Protestant Episcopal Church
in the Diocese of South Carolina
EIN # 57-0314383
Page 2
Part II
Line 5

The foregoing is certified to be the true and complete Bylaws of the Corporation as adopted by the Board of Directors as of December, 2010.

Jeffrey A. Miller +
President

Date of Certification: 12/16/10
(Corporate Seal)

DSC 6B - Bylaws of the Diocese (October 29, 2012)

BYLAWS
OF
THE PROTESTANT EPISCOPAL CHURCH
IN THE DIOCESE OF SOUTH CAROLINA
a South Carolina nonprofit religious corporation

ARTICLE I
PURPOSE, OFFICES AND REGISTERED AGENT

Purpose. The purpose of the Corporation shall be to continue the operation of The Protestant Episcopal Church in the Diocese of South Carolina.

Principal Office. The Corporation shall maintain its Principal Office at 126 Coming Street, Charleston, SC, 29403 or such other place as designed from time to time by the Board of Directors for the principal executive offices of the Corporation (the "Principal Office").

Registered Office. The Corporation shall maintain a Registered Office at a location in the State of South Carolina designated by the Board of Directors from time to time (the "Registered Office"). In the absence of a contrary designation by the Board of Directors, the Registered Office of the Corporation shall be located at its Principal Office.

Registered Agent. The Corporation shall maintain a Registered Agent who shall have a business office at the Corporation's Registered Office. The Registered Agent shall be designated by the Board of Directors from time to time to serve at its pleasure. In the absence of such designation the Registered Agent shall be the Corporation's Legal Counsel.

Fillings. In the absence of directions from the Board of Directors to the contrary, the Secretary of the Corporation shall cause the Corporation to maintain currently all filings in respect of the Principal Office, Registered Office and Registered Agent with all governmental officials as required by law.

ARTICLE II
DIRECTORS

Management. The Board of Directors shall be responsible for the management of the business and affairs of the Corporation.

Qualification. All Directors shall be natural persons.

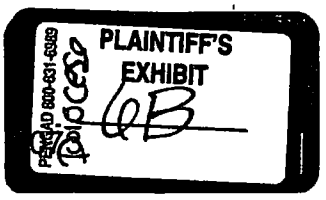
Number. The number of Directors shall be twelve (12). The present directors are:

John Barr
Church of the Holy Comforter
PO Box 338
Sumter, SC 29151

J. Reid Boylston, III
9468 Marlboro Avenue
Barnwell, SC 29812-1920

Andrew O'Dell
St Matthew's Church
PO Box 804
Darlington, SC 29540-0803

Paul C. Fuener
Prince George Winyah
PO Box 674
Georgetown, SC 29442



William G. Lyles III
760 Creekside Drive
Mt. Pleasant, SC 29464

A. Kenneth Weldon
St. John's Episcopal Church
252 South Dargan Street
Florence, SC 29506-2534

Ed Mittman
St. Matthias
8 N Duke Street
Summerton, SC 29148-9163

Elizabeth Pennewill
528 Johnnie Dodds Blvd. Ste 201
Mount Pleasant, SC 29464-3048

Suzanne Schwank
The Parish Church of St. Helena
304 King Street
Beaufort, SC 29904-4720

Gregory A. Snyder
St. John's Parish
PO Box 125
Johns Island, SC 29457-0125

Julian Jeffords III
St.Pauls's Conway
710 Main Street
Conway, SC 29526-4342

Ann Hester Willis
St. Michael's
28 Charlotte St
Charleston, SC 29403-6330

Election of Directors. The twelve (12) Directors (the "Elected Directors") shall be elected hereafter as follows: there shall be six (6) clergy members and six (6) laypersons. The members of the Board shall be elected by ballot as follows: at each succeeding annual Convention of the Diocese two clergy members and two lay persons shall be elected for a term of three (3) Convention years. No clergy member or lay person whose term has expired shall be eligible for re-election to this board until the passage of one Convention year from the date of said expiration. The Directors shall hold office from the date of each such Director's election until each such Director's successor shall have been duly elected and qualified, or until each such Director's earlier removal, resignation or death. A majority of the vote of the Board members present shall be necessary for a decision. At their next meeting following the annual convention the Board of Directors shall choose one of their clergy members to be the President. A majority of the Board shall appoint a President.

The Bishop of the body now known as The Protestant Episcopal Church in the Diocese in of South Carolina (hereinafter the "Bishop") shall be an ex officio member of the Board with seat and voice, but no vote. In the event of a dispute or challenge regarding the identity of the Bishop of The Protestant Episcopal Church in the Diocese of South Carolina, the Elected Directors shall have the sole authority to determine the identity and authority of the Bishop. The Bishop of the Diocese is:

Mark J. Lawrence
Diocese of South Carolina
PO Box 20127
Charleston SC 29413-0127

No Outside Influence. No Director shall be elected, appointed, designated, removed or suspended and no vacancy filled except in accordance with these Bylaws. No person shall have any right to recognize or acknowledge the authority of Directors other than the Corporation pursuant to these Bylaws and the South Carolina Nonprofit Corporation Act. No challenge to or non-recognition of the

authority of any Director shall impair the authority of the Director except in accordance with these Bylaws. Notwithstanding Section 33-31-808 of the South Carolina Nonprofit Corporation Act, no Director's term of office shall be ended other than by the expiration of the term for which he or she was elected in accordance with this Article; death; resignation; or removal in accordance with this Article.

Resignation of Directors. A Director may resign at any time by delivering written notice to the Board of Directors. A resignation is effective when the notice is effective unless the notice specifies a later date. If the resignation is made effective at a later date, the Board of Directors may fill the pending vacancy before the effective date if the Board of Directors provides that the successor does not take office until the effective date.

Removal. Removal of any member of the Board of Directors of the Corporation shall be at the discretion of the other members of the Board of Directors following the prescribed methods below and shall not be subject to any outside influence.

1. Removal of the laypersons who are members of the Board of Directors requires a unanimous vote of the other members of the Board of Directors.
2. Removal of the clergy members who are members of the Board of Directors requires a unanimous vote of the other members of the Board of Directors. The vote shall be taken only after strict adherence to the procedures for the removal of clergy members of The Protestant Episcopal Church in the Diocese of South Carolina.
3. Removal of the Bishop from the Board of Directors requires a unanimous vote of the other members of the Board of Directors. The vote shall be taken only after strict adherence to the procedures for the removal of the clergy of The Protestant Episcopal Church in the Diocese of South Carolina.
    a. Employment Contract. The Board of Directors may vote to authorize agents of the corporation to enter into an employment contract with the Bishop of the Diocese.
    b. Termination of Employment Contract. The Board of Directors may terminate the Bishop's employment contract only after first voting unanimously to terminate the relationship and after calling a special convention of the Diocese where two-thirds vote by order of the duly elected delegates at the convention authorize the removal of the Bishop.
4. The removal of a Director shall be effective ten days after written notice of the removal is served on the Director. If notice is served by mail an additional five days shall be added to this period. If prior to the effective date of removal, the Director shall object in writing to the President and Secretary, the effective date of the removal shall be extended for an additional ten days. The Director's authority shall not be impaired until the effective date of removal.

Vacancies. Any Vacancy on the Board of Directors may be filled by the other members of the Board of Directors, on a majority vote by orders, until the next annual, regular, or special meeting of the Board of Directors.

Annual and Regular Meetings. An annual meeting of the Board of Directors shall be called and held for the purpose of annual organization, changes in the established number of Directors, if any, appointment of Officers and committees, and transaction of any other business. An annual meeting of the Board of Directors shall be held at such time and place as may be specified in the notice of the meeting.

The Board of Directors may by resolution provide for the holding of additional regular meetings without notice other than such resolution; provided, however, the resolution shall fix the dates, times, and places (which may be anywhere within or without the State of the Corporation's Principal Office) for these regular meetings. Except as otherwise provided by law, any business may be transacted at any annual or regular meeting of the Board of Directors.

Special Meetings; Notice of Special Meeting. Special meetings of the Board of Directors may be called for any lawful purpose or purposes by the President or at least twenty percent (20%) of the Directors then in office. The person calling a special meeting shall give, or cause to be given, to each Director at his business address, notice of the date, time and place of the meeting by any means of communication acceptable under these Bylaws not less than seven (7) days prior thereto. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensible manner. Written notice, if in comprehensible form, is effective at the earliest of the following:

1. When received;
2. Seven (7) days after its deposit in the United States mail, if mailed correctly addressed with first class postage affixed;
3. On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or
4. Ten (10) days after its deposit in the United States mail, if mailed correctly addressed and with other than first class, registered, or certified postage affixed.

Written notice is correctly addressed to a Director if addressed to the Director's business address shown in the Corporation's current records. If notice is given by telegram, the notice shall be deemed delivered when the telegram is delivered to the telegraph company and the transmission fee therefore is paid. If notice is given by telecopier facsimile transmission, the notice shall be deemed delivered when the facsimile of the notice is transmitted to a telecopier facsimile receipt number designated by the receiving Director, if any, so long as such Director transmits to the sender an acknowledgment of receipt. If the notice is given by electronic mail transmission, the notice shall be deemed delivered when the notice is transmitted to an electronic mail address designated by the Director, if any, so long as such Director transmits to the sender an acknowledgement of receipt. The notice of a special meeting shall describe the purpose of such special meeting. Any time or place fixed for a special meeting must permit participation in the meeting by means of telecommunications as authorized below.

Actions Requiring Special Notice. Meetings at which the following actions are to be considered shall require not less than seven (7) days prior effective written notice: (i) removal of a Director; (ii) a transaction involving a Director conflict of interest; (iii) indemnification of Officers, employees and agents; (iv) amendment of the Articles of Incorporation (the "Articles"); (v) amendment of these Bylaws; (vi) dissolution; (vii) a dispute or challenge regarding the identity of the Bishop and (viii) appointment of a Director due to any vacancy in the office of the Bishop.

Waiver of Notice of Meetings. Notice of a meeting need not be given to any Director who signs a waiver of notice either before or after the meeting. To be effective the waiver shall contain recitals sufficient to identify beyond reasonable doubt the meeting to which it applies. The recitals may, but need not necessarily, include reference to the date and purpose of the meeting and the business transacted thereat. Recital of the proper date of a meeting shall be conclusive identification of the meeting to which a waiver of notice applies unless the waiver contains additional recitals creating a patent ambiguity as to its proper application. The attendance of a Director at a Director's meeting shall constitute a waiver of notice of that meeting, except where the Director upon arriving at the meeting or prior to the vote on a

matter not noticed in conformity with these Bylaws or the Articles, objects to lack of notice and does not thereafter vote or assent to the objected action.

Participation by Telecommunications. Any Director may participate in, and be regarded as present at, any meeting of the Board of Directors by means of conference telephone or any other means of communication by which all persons participating in the meeting can hear each other at the same time.

Quorum. A majority of the Directors, by orders, in office immediately before the meeting shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If a quorum shall not be present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is present.

Action. The Board of Directors shall take action pursuant to resolutions adopted by the affirmative vote of a majority of the Directors participating in a meeting at which a quorum is present, or the affirmative vote of a greater number of Directors where required by the Articles, these Bylaws, or by law.

Action Without Meeting. The Board of Directors may take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized. Such written consent must be signed by all Directors and included in the minutes filed with the corporate records reflecting the action taken.

Presumption of Assent. A Director of the Corporation who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless (i) such Director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting, (ii) the Director votes against the action and the vote is entered in the minutes of the meeting, (iii) the Director's dissent or abstention for the action taken is entered in the minutes of the meeting, or (iv) the Director delivers written notice of dissent or abstention to the presiding Officer of the meeting before its adjournment or the Corporation immediately after the adjournment of the meeting. The right to dissent shall not apply to a Director who voted in favor of such action.

Committees. The Board of Directors may from time to time by resolutiondesignate and delegate authority to one or more committees. Any such committee may be designated as a regular committee appointed annually or as a special committee for specific circumstances or transactions with a limited duration. Each committee shall be composed of two or more Directors, who shall serve at the pleasure of the Board of Directors. The Board of Directors shall prescribe the duties, constitution, and procedures of any committee. The Board of Directors shall designate one member of each committee as its chairman. A committee may not authorize distributions; approve or recommend dissolution, merger, or the sale, pledge, or transfer of all or substantially all the Corporation's assets; elect, appoint, or remove Directors or fill vacancies on the board or on any committee; or adopt, repeal, or amend the Articles or these Bylaws.

Committee Meetings. A majority of each committee's voting members shall constitute a quorum for the transaction of business by the committee, and each committee shall take action pursuant to resolutions adopted by a majority of the committee's voting members participating in a meeting at which a quorum of the committee is present. Each committee may also take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized. Such written consent must be signed by all of the committee's voting members. Special meetings of any committee may be called at any time by any Director who is a member of the committee or by any person entitled to call a special meeting of the full Board of Directors. Except as otherwise provided in this

section, the conduct of all meetings of any committee, including notice thereof, and the taking of any action by such committee, shall be governed by this Article.

Compensation. Directors shall not receive compensation for serving as a member of the Corporation's Board of Directors.

Order of Business. Unless otherwise determined by the President, the order of business at the annual meeting, and so far as practicable at all other meetings of the Board of Directors, shall be as follows:

1. Determination of a quorum
2. Reading and disposal of all unapproved minutes
3. Reports of Officers and committees, if applicable
4. Change in established number of Directors, if applicable
5. Appointment of Officers and committees, if applicable
6. Unfinished business, if applicable
7. New business
8. Adjournment

Unless, and to the extent, determined by the Board of Directors or the chairman of the meeting, or unless required by a specific rule to the contrary in these Bylaws, or the Articles, meetings of the Board of Directors shall be required to be held in accordance with the Robert's Rules of parliamentary procedure.

ARTICLE III
OFFICERS

In General. The Officers of the Corporation shall consist of the President and may, but need not, consist of a Secretary, a Treasurer, and may also include one or more Vice Presidents, and such additional vice presidents, assistant secretaries, assistant treasurers and other Officers and agents as the Board of Directors deems advisable from time to time. Any Officers appointed by the Board of Directors shall serve at the pleasure of the Board. Except as may be provided in the Articles, the Board of Directors may remove any Officer at any time, with or without cause. Any vacancy, however occurring, in any office may be filled by the Board of Directors for the unexpired term. One person may hold two or more offices. Each Officer shall exercise the authority and perform the duties as may be set forth in these Bylaws and any additional authority and duties as the Board of Directors shall determine from time to time.

President. Any Director so elected shall serve as the President and shall be the chief executive Officer of the Corporation and, subject to the authority of the Board of Directors, shall manage the business and affairs of the Corporation. The President shall whenever possible preside at all meetings of the Board of Directors,. The President shall see that the resolutions of the Board of Directors and authorized committees thereof are put into effect. Except as otherwise provided herein and as may be specifically limited by resolution of the Board of Directors or an authorized committee thereof, the President shall have full authority to execute on the Corporation's behalf any and all contracts, agreements, notes, bonds, deeds, mortgages, certificates, instruments, and other documents. The President shall also perform such other duties and may exercise such other powers as are incident to the

office of president and as are from time to time assigned to him by these Bylaws, the Board of Directors, or an authorized committee thereof.

Vice Presidents. Except as otherwise determined by the Board of Directors, any Vice President appointed shall serve under the direction of the President. Except as otherwise provided herein, each Vice President shall perform such duties and may exercise such powers as are incident to the office of vice president and as are from time to time assigned to him by these Bylaws, the Board of Directors, an authorized committee thereof, or the President. In the absence, incapacity, or inability or refusal of the President to act, the most senior Vice President shall assume the authority and perform the duties of the President. If the Board of Directors appoints more than one Vice President, the seniority of the Vice Presidents shall be determined from their dates of appointment unless the Board of Directors shall otherwise specify. Designation of a "Senior" or "Executive" vice president by the Board of Directors, shall be an indication of seniority.

Secretary. Except as otherwise provided by these Bylaws or determined by the Board of Directors, any Secretary appointed shall serve under the direction of the President. The Secretary shall whenever possible attend all meetings of the Board of Directors, and whenever the Secretary cannot attend such meetings, such duty shall be delegated by the presiding Officer for such meeting to a duly authorized assistant secretary. The Secretary shall record or cause to be recorded under the Secretary's general supervision the proceedings of all such meetings and any other actions taken by the Board of Directors (or by any committee of the Board in place of the Board) in a book or books (or similar collection) to be kept for such purpose. The Secretary shall upon proper request give, or cause to be given, all notices in connection with such meetings. The Secretary shall be the custodian of the Corporate seal and affix the seal to any document requiring it, and to attest thereto by signature. The Secretary may delegate the Secretary's authority to affix the Corporation's seal and attest thereto by signature to any Assistant Secretary. The Board of Directors may give general authority to any other Officer or specified agent to affix the Corporation's seal and to attest thereto by signature. Unless otherwise required by law, the affixing of the Corporation's seal shall not be required to bind the Corporation under any documents duly executed by the Corporation and the use of the seal shall be at the discretion of the Corporation's duly authorized signing Officers. The Secretary shall properly keep and file, or cause to be properly kept and filed under the Secretary's supervision, all books, reports, statements, notices, waivers, tabulations, minutes, certificates, documents, records, lists, and instruments required by these Bylaws to be kept or filed, as the case may be. The Secretary may when requested, and shall when required, authenticate any records of the Corporation. The Secretary may maintain, or cause to be maintained, such items within or without the State of South Carolina at any reasonable place. The Secretary shall perform such other duties and may exercise such other powers as are incident to the office of secretary and as are from time to time assigned to such office by these Bylaws, the Board of Directors, an authorized committee thereof, or the President.

Assistant Officers. Except as otherwise provided by these Bylaws or determined by the Board of Directors, the Assistant Secretaries, if any, shall serve under the immediate direction of the Secretary and under the ultimate direction of the President. The Assistant Officers shall assume the authority and perform the duties of their respective immediate superior Officer as may be necessary at the direction of such immediately superior Officer, or in the absence, incapacity, inability, or refusal of such immediate superior Officer to act. The seniority of Assistant Officers shall be determined from their dates of appointment unless the Board of Directors shall otherwise specify.

Compensation. Officers shall not receive compensation for serving as an Officer of the Corporation.

ARTICLE IV
INDEMNIFICATION

Scope. The Corporation shall indemnify, defend and hold harmless the Corporation's Officers and Directors to the fullest extent permitted by law. This plan of indemnification shall constitute a binding agreement of the Corporation for the benefit of the Officers and Directors as consideration for their services to the Corporation, and may be modified or terminated by the Board of Directors only prospectively. Such right of indemnification shall not be exclusive of any other right which such Directors, Officers, or representatives may have or hereafter acquire and, without limiting the generality of such statement, they shall be entitled to their respective rights of indemnification under any bylaw, agreement, insurance, provision of law, or otherwise, as well as their rights under this Article IV.

Indemnification Plan. The Board of Directors may from time to time adopt an Indemnification Plan implementing the rights granted in this Article IV. This Indemnification Plan shall set forth in detail the mechanics of how the indemnification rights granted in this Article IV shall be exercised.

Insurance. The Board of Directors may cause the Corporation to purchase and maintain insurance on behalf of any person who is or was a Director or Officer of the Corporation, or is or was serving at the request of the Corporation as a Director or Officer of another corporation, or as its representative in a partnership, joint venture, trust, or other enterprise, against any liability asserted against such person and incurred in any such capacity or arising out of such status, whether or not the Corporation would have the power to indemnify such person.

ARTICLE V
TRANSACTIONS

Contracts. The Board of Directors may authorize any Officer or Officers, or agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Loans. The Board of Directors may authorize any Officer or Officers, or agent or agents, to contract any indebtedness and grant evidence of indebtedness and collateral therefore in the name of an on behalf of the Corporation, and such authority may be general or confined to specific instances.

Checks, Drafts, etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such Officer or Officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE VI
RECORDS

Forms of Records. When consistent with good business practices, any records of the Corporation may be maintained in other than written form if such other form is capable of reasonable preservation and conversion into written form within a reasonable time.

Corporate Records. The Corporation shall keep as permanent written records a copy of the minutes of all meetings of its Board of Directors, a record of all actions taken by the Directors without a meeting, and a record of all actions taken by committees of the Board of Directors. The Corporation shall maintain appropriate accounting records. The Corporation or its agent shall maintain a record of the name and address, in alphabetical order, of each Director. The Corporation shall keep a copy of the following records at its Principal Office:

1. its articles or restated articles of incorporation and all amendments thereto currently in effect;
2. its bylaws or restated bylaws and all amendments thereto currently in effect;
3. a list of the names and business or home address of its current Directors and Officers; and
4. the Corporation's most recent report of each type required to be filed by the Corporation with the South Carolina Secretary of State.

ARTICLE VII
MISCELLANEOUS

Fiscal Year. The fiscal year of the Corporation shall be established, and may be altered, by resolution of the Board of Directors from time to time as the Board deems advisable.

Seal. The seal of the Corporation shall be circular in form and shall have inscribed thereon the name of the Corporation, the year of its organization, and the words "Corporate Seal, State of South Carolina."

Amendments. Subject to the Articles, these Bylaws and the Articles may be altered, amended, or repealed and new Bylaws may be adopted by a majority vote of the Board of Directors then in office; provided that the notice of such meeting at which the Bylaws or Articles are to be altered, amended, or repealed and new Bylaws or Articles may be adopted is in accordance with Article II ("Directors") hereof and that such notice shall state that the purpose or one of the purposes of the meeting is to consider an amendment to the Bylaws or Articles and shall be accompanied by a copy or summary of the proposed change or state the general nature of the change.

Severability. If any provision of these Bylaws or the application thereof to any person or circumstances shall be held invalid or unenforceable to any extent by a court of competent jurisdiction, such provision shall be complied with or enforced to the greatest extent permitted by law as determined by such court, and the remainder of these Bylaws and the application of such provision to other persons or circumstances shall not be affected thereby and shall continue to be complied with and enforced to the greatest extent permitted by law.

Usage. In construing these Bylaws, feminine or neuter pronouns shall be substituted for masculine forms and vice versa, and plural terms shall be substituted for singular forms and vice versa, in any place in which the context so requires. The section and paragraph headings contained in these Bylaws are for reference purposes only and shall not affect in any way the meaning or interpretation of these Bylaws. Terms such as "hereof", "hereunder", "hereto", and words of similar import shall refer to these Bylaws in the entirety and all references to "Articles", "Paragraphs", "Sections", and similar cross

references shall refer to specified portions of these Bylaws, unless the context clearly requires otherwise. All references to statutory provisions shall be deemed to include corresponding sections of succeeding law.

Conflict Between Bylaws and Articles. The Articles are incorporated herein by reference. Any conflict between the terms of these Bylaws and the Articles shall be resolved in the following order: (1) the Articles; and (2) these Bylaws.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.]

The foregoing is certified to be the true and complete Bylaws of the Corporation as adopted by the Board of Directors as of Oct. 29, 2012.

Paul C. Fuerer
President

Date of Certification: 10-29-12
(Corporate Seal)

Elizabeth B. Snyder 10-29-12
ELIZABETH B. SNYDER
Notary Public, State of South Carolina
My Commission Expires 9/7/2021

DSC-313-01574

DSC 6C - Bylaws of the Diocese (October 22, 2010)

Bylaws of

The Protestant Episcopal Church in the Diocese of South Carolina

PREAMBLE

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA (The "Corporation") is a South Carolina non-profit corporation incorporated on November 14, 1973. Pursuant to the provisions of Section 33-31-206 of the South Carolina Nonprofit Corporation Act of 1994, as amended, the Corporation hereby adopts the following Bylaws.

ARTICLE I

The name of the Corporation is THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA.

ARTICLE II

The Corporation is a non-profit corporation.

ARTICLE III

The corporate purpose is to continue operation under the Constitution and Canons of The Protestant Episcopal Church in the Diocese of South Carolina.

ARTICLE IV

The registered agent of the Corporation is Rt. Rev Mark Joseph Lawrence; 126 Coming Street, Charleston, SC 29403; the registered office address of the Corporation is 126 Coming Street, Charleston, SC 29403

ARTICLE V

The number of directors constituting the board of directors is thirteen (13) (collectively, the "Board"). The Rt. Rev. Mark J. Lawrence, Bishop of The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese of South Carolina") shall be the President of the Corporation. The Bishop shall be an *ex officio* member of the Board of Directors. For the remaining twelve (12) directors (the "Elected Directors"), the manner of their election shall be as specified in Article IX of the Constitution of the Diocese of South Carolina. The President of the Standing Committee shall be the Chairman of the Board.

The term of the Board of Directors shall be as specified in Article IX of the Constitution of the Diocese of South Carolina. The Board of Directors shall fill any vacancy that occurs on the Board until the next annual election.

The Secretary of the Corporation shall be the Secretary of the Standing Committee.

In the event of a dispute regarding the identity of the Bishop of the entity now known as The Protestant Episcopal Church in the Diocese of South Carolina, the Elected Directors shall have the sole, exclusive authority to determine the identity of the Bishop.

In the event the entity now known as The Protestant Episcopal Church in the Diocese of South Carolina is without a Bishop, the Elected Directors shall have the sole and exclusive authority to appoint a President for purposes of these bylaws.

If a determination pursuant to this Article V becomes necessary in the discretion of any member of the Board, a member of the Board may call a special meeting of the Board for purpose of making such determination, provided that the call is made seven (7) days prior to the meeting.

The names and address of the current Board of Directors are:

Patrick Allen
Church of the Holy Communion
218 Ashley Ave
Charleston SC 29403-5245

J. Reid Boylston, III

9468 Marlboro Ave
Barnwell, SC 29812-1920

Ann Dennis
PO Box 161
Darlington SC 29540-0161

C Meredith Drakeford
16 Buford St
Sumter SC 29150-4735

Lydia Evans

216 Wentworth St
Charleston SC 29401-1252

Paul C. Fuener
Prince George Winyah
PO Box 674
Georgetown, SC 29442

Samuel P (Shay) Gaillard IV
Church of the Good Shepherd
1393 Miles Dr
Charleston SC 29407-5163

Mark J. Lawrence, *Ex Officio*
Diocese of South Carolina
PO Box 20127
Charleston SC 29413-0127

Mr. Wade H Logan, III
Ex Officio
2614 Atlantic Ave
Sullivans Island SC 29482

Jeffrey S Miller
St. Helena's Church
PO Box 1043
Beaufort SC 29901-1043

Lynda Richards

1470 Fiddlers Marsh Dr
Mount Pleasant SC 29464-4285

M. Dow Sanderson
Church of the Holy Communion
218 Ashley Avenue
Charleston, SC 29403

David Thurlow
St. Matthias Church
PO Box 336
Summerton SC 29148-0336

Ann Hester Willis

28 Charlotte St
Charleston, SC 29403-6330

ARTICLE VI

Removal of any members of the Board of Directors of this corporation shall be solely at the discretion of the other members of the Board of Directors following the prescribed methods set forth below. No outside entity or person claiming authority for removal shall have any standing or authority for such purposes.

Removal of any layperson member of the Board of Directors shall require a two-thirds vote of the other members of the Board of Directors. Removal of any clergy members of the Board of Directors shall require a two-thirds vote of the other members of the Board of Directors. Any clergy or lay member may only be removed after conviction of an offense as specified in the Canons of The Protestant Episcopal Church in the Diocese of South Carolina and the Disciplinary Canons contained therein.

Removal of the President of the Corporation shall require a unanimous vote of the other members of the Board of Directors.

The forgoing are certified to be the true and complete bylaws of the Corporation as adopted by the Board of Directors as of October 21, 2010.

Lydia Evans
Secretary

Date of Certification: 10-22-10
(Corporate Seal)

DSC 7 - Certificate of Incorporation (November 14, 1973)

The State of South Carolina

EXECUTIVE DEPARTMENT

CERTIFICATE OF INCORPORATION

BY THE SECRETARY OF STATE

WHEREAS, The Right Reverend Gray Temple, 1000 South Main Street, Summerville, South Carolina
The Reverend Canon George I. Chassey, Jr., Route 3, Box 380A, John's Island, S. C.

two or more of the officers or agents appointed to supervise or manage the affairs of

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

which has been duly and regularly organized, did on the 14th day of November, A. D. 1973, file with Secretary of State a written declaration setting forth:

That, at a meeting of the aforesaid organization held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That, the said organization holds, or desires to hold property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than is above stated, nor for the insurance of life, health, accident or property; and that three days' notice in the News & Courier, a newspaper published in the County of Charleston, has been given that the aforesaid Declaration would be filed.

AND WHEREAS, *Said Declarants and Petitioners* further declared and affirmed:

FIRST: Their names and residences are as above given.

SECOND: The name of the proposed Corporation is

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

THIRD: The place at which it proposes to have its headquarters or be located is 1020 King Street Charleston, S. C.

FOURTH: The purpose of the said proposed Corporation is to continue the operation of an Episcopal Diocese under the Constitution and Canons of The Protestant Episcopal Church in the United States of America.

FIFTH: The names and residences of all Managers, Trustees, Directors or other officers are as follows:

The Rt. Rev. Gray Temple	1020 King Street, Charleston, S. C.	Bishop
The Rev. Canon George I. Chassey, Jr.	1020 King Street, Charleston, S. C.	Secretary
Thomas E. Myers	1020 King Street, Charleston, S. C.	Treasurer

SIXTH: That they desire to be incorporated: in perpetuity

NOW, THEREFORE, *I, O. FRANK THORNTON*, Secretary of State, by virtue of the authority in me vested, by Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto, do hereby declare the said organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia, this 14th day of November in the year of our Lord one thousand nine hundred and 73 and in the one hundred and 98th year of the Independence of the United States of America.

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT
Diocese-7

DSC 8 - Application to Amend Corporate Charter and Certificate of Amendment (February 20, 1987 and March 13, 1987)

Application for Amendment of Eleemosynary Charter

For Use by The Secretary of State
File No. ID676
Form No.
Fee Paid $
C. R.
Date
Bk. 1985 Page 395
Amd BK

Filed Fee $250

THE STATE OF SOUTH CAROLINA,
County of Charleston

MAR 13 1987

To the Secretary of State of South Carolina:

WHEREAS, There was issued by the Secretary of State a charter dated November 14, 1973 ✓

constituting and creating The Protestant Episcopal Diocese of South Carolina ✓
into an eleemosynary corporation, under the laws of this State, with its principal place of business at

P. O. Drawer 2127 (Street and No.), in the City of Charleston,

County of Charleston and the State of South Carolina, empowering it to engage in the business as set forth in Declaration and Petition.

The undersigned, representing a majority of the duly elected and qualified members present after due notice, hereby certify that not less than five days notice (a copy of which is hereto attached) was given in the

News and Courier, a newspaper published in the

County of Charleston on February 19, 1987 or (by written notice

Certified mailed to each member) of a meeting of members on --
which notice stated the time and place of meeting and the purpose thereof.

And further, that said meeting was duly held pursuant to notice, and a resolution was adopted by a majority vote as follows:

Insert Resolution

BE IT RESOLVED, That the Bishop and Executive Secretary of the convention be, and they are hereby authorized and directed to apply to the Secretary of State of South Carolina for an amendment of the name of the charter of this organization from "The ~~Protestant Episcopal Diocese of South Carolina~~" to "The Protestant Episcopal Church in the Diocese of South Carolina".

And, further, your petitioners certify that they have complied in all respects with Section 33-31-130, of the Code of Laws of South Carolina, 1976, and all amendments thereto.

Wherefore they pray that the charter of the said The Protestant Episcopal Diocese of South Carolina
be so amended to "The Protestant Episcopal Church in the Diocese of South Carolina".
Dated at Charleston, S. C., this 20th day of February, 1987

DIRECTORS OR AUTHORIZED MANAGING BOARD MUST SIGN BELOW
(Please type or print name opposite signature)

(Signature)	(Type or Print Name)
C. F. Allison	Bishop C. F. Allison
[illegible]	Executive Secretary, John A Beckwith, III

PLAINTIFF'S EXHIBIT Diocese-8

PENGAD 800-631-6989

395

THE STATE OF SOUTH CAROLINA

EXECUTIVE DEPARTMENT

By the Secretary of State

Whereas, Bishop C. F. Allison, John Q. Beckwith, III

a majority of the Board of Directors of

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

a corporation created under and pursuant to the laws of South Carolina, by certificate issued by the Secretary of State on the 14th day of November, A. D. 19 73.

HAVE CERTIFIED, over their signatures, Resolutions authorizing in behalf of the aforesaid Corporation The the Bishop and Executive Secretary of the convention be, and they are hereby authorized and directed to apply to the Secretary of State of South Carolina for an amendment of the name of the charter of this organization from "The Protestant Episcopal Diocese of South Carolina" to

"THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA"

(authorized and set forth in the certificate aforesaid), which Resolutions were adopted pursuant to law, at a meeting of the stockholders of the aforesaid Corporation, of which thirty days' notice was given, which notice stated the purpose of the aforesaid meeting, and further, that said Resolutions were adopted by a majority vote, and that in all respects there has been complied with the provisions of Title 33, Chapter 31, Code of Laws of South Carolina, 1976 and all amendments thereto.

NOW, THEREFORE, I John T. Campbell Secretary of State, by virtue of the authority in me vested by Chapter aforesaid, of the Code of Laws of South Carolina, 1976, and amendments thereto, do hereby certify that the requirements of law for said amendment have been complied with, and for good and sufficient reasons to me appearing, do hereby certify that the charter of the aforesaid Company has been so amended.

GIVEN under my hand and the seal of the State at Columbia, this 13th day of March, in the year of our Lord One Thousand nine hundred and 87 and in the two hundred and Eleventh year of the Independence of the United States of America.

Secretary of State.

Change in Name

[redacted]

DSC-313-01586

DSC 9 - Amendments to Corporate Charter (October 19, 2010)

CERTIFIED TO BE A TRUE AND CORRECT COPY AS TAKEN FROM AND COMPARED WITH THE ORIGINAL ON FILE IN THIS OFFICE

MAR 13 2013

SECRETARY OF STATE OF SOUTH CAROLINA

PLAINTIFF'S EXHIBIT Diocese-9

PENGAD 800-631-6989

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

NONPROFIT CORPORATION ARTICLES OF AMENDMENT

TYPE OR PRINT CLEARLY WITH BLACK INK

Pursuant to the provisions of Section 33-31-1005 of the 1976 South Carolina Code of Laws, as amended, the applicant delivers to the Secretary of State these articles of amendment.

1. The name of the nonprofit corporation is The Protestant Episcopal Church in the Diocese of South Carolina

2. Date incorporated 11/14/1973

3. Specify (a) the text of every amendment adopted, and (b) list when each amendment was adopted.
   Corporate purpose amended September 9, 2010 to read: "Fourth: The purpose of the said proposed Corporation is to continue operation under the Constitution and Canons of The Protestant Episcopal Church in the Diocese of South Carolina.

4. ☑ By checking this paragraph #4 the applicant represents that (a) approval of the amendment by the members was not required, (b) the amendment was approved by a sufficient vote of the board or directors or the incorporators. (Do not check this paragraph #4 if member vote was required or if the required vote of directors or incorporators was not obtained.)

5. If the approval of the members was required to adopt the amendment(s), provide the following information:

   (a) Designation (Classes of Membership)

   (b) Number of memberships outstanding

   (c) Number of votes entitled to be cast by each class entitled to vote separately on the amendment

   (d) Number of votes of each class indisputably voting on the amendment

   (e) Complete one of the following as appropriate

   (i) Total number of votes cast for and against the amendment by each class entitled to vote separately

   (ii) Total number of undisputed votes cast for the amendment by each class which was sufficient for approval for that class

101022-0130 FILED: 10/22/2010
PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SO
Filing Fee: $10.00 ORIG

Mark Hammond — South Carolina Secretary of State

The Protestant Episcopal Church in the Diocese of South Carolina

Name of Corporation

6. ☐ By checking this paragraph #6 the applicant represents that approval of the amendment by some person or persons other than the members, the board, or the incorporators is required pursuant to Section 33-31-1030 of the 1976 South Carolina Code of Laws, as amended, and that the approval was obtained. (Do not mark paragraph #6 if either of these statements is not true.)

7. If the amendment provides for an exchange, reclassification, or cancellation of memberships, provisions for implementing the amendment must be set forth here if provisions are not contained in the amendment itself _____

8. ☐ If this corporation is converting from either a public benefit or religious corporation into a mutual benefit corporation, mark this paragraph #8 which certifies that a notice, including a copy of the proposed amendment, was delivered to the South Carolina Attorney General at least twenty days before the consummation of the amendment.

Date October 19, 2010

The Protestant Episcopal Church in the Diocese of South Carolina

Name of Corporation

+Mark Lawrence

Signature of Officer

Mark J. Lawrence, President

Type or Print Name and Office

FILING INSTRUCTIONS

1. Two copies of this form, the original and either a duplicate original or a conformed copy, must be filed.
2. If the space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk which will allow for expansion of space on the form.
3. This form must be accompanied by the filing fee of $10.00 payable to the Secretary of State.

Return to: Secretary of State
P.O. Box 11350
Columbia, SC 29211

NP-ARTICLES OF AMENDMENT.doc

Form Revised by South Carolina
Secretary of State, January 2000

DSC 13 - Act No. 222 of 1880

PLAINTIFF'S EXHIBIT Diocese-13
PENGAD 800-631-6989

A. D. 1880.

County Commissioners to open road in Clarendon.

SEC. 2. That the County Commissioners of Clarendon County be, and are hereby, required and authorized to open and clear as a public highway a road in Clarendon County commencing at the Telegraph road, at or near Martin Minus's, to the Raccoon road, at or near the Norris plantation, and that said County Commissioners, within the present year, A. D. 1880, do proceed to open and work said road in conformity with the road laws of this State.

Approved February 20, 1880.

No. 221.

AN ACT TO AMEND SECTION 8 OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER XLV OF TITLE XI, PART I, OF THE GENERAL STATUTES, RELATING TO THE REPAIRS OF HIGHWAYS AND BRIDGES," SO FAR AS THE SAME RELATES TO THE COUNTY OF NEWBERRY.

Ages liable to work roads.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 8 of an Act entitled "An Act to amend Chapter XLV of Title XI, Part I, of the General Statutes, relating to the repairs of highways and bridges," be, and the same is hereby, amended, so far as the same relates to the County of Newberry, by striking out the word "eighteen," on the first and second lines thereof, and inserting the word "sixteen" in place of the same; and by striking out the words "forty-five," on the second line thereof, and inserting the words "fifty-five" in place of the same.

Approved February 20, 1880.

No. 222.

AN ACT TO GRANT CERTAIN POWERS TO THE BISHOP AND STANDING COMMITTEE OF THE PROTESTANT EPISCOPAL CHURCH FOR THE DIOCESE OF SOUTH CAROLINA.

Trustees.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Bishop and members of the Standing Committee for the time being of the Protestant Episcopal Church for the Diocese of South Carolina, and their successors in office or a majority of them, are hereby appointed trustees for the purpose of holding in trust any property heretofore given or acquired, or hereafter to be given or acquired,

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A. D. 1880.

for objects connected with said Church, in said Diocese, other than that now held by other corporations, and also for all property belonging to any of the corporations or churches or dormant parishes formerly connected with said Church, but which have now ceased to have active operation, and also of any property now or hereafter belonging to other churches or corporations in the said Diocese which may desire to surrender or convey the same to the said trustees, or whose charters of incorporation may have expired.

Trustees incorporated.

SEC. 2. The said trustees are hereby incorporated as a body politic and corporate by the name of the Trustees of the Protestant Episcopal Church in South Carolina, with all the powers of a corporate body, and may from time to time make such rules and by-laws for their government and for the management of the property under their charge as shall be approved by a majority of said trustees.

Property to come vested in Trustees.

SEC. 3. The title to the real and personal property described in the first Section shall become vested in the said trustees by operation of law without further deed or conveyance other than that which is therein specified, and the said trustees shall report annually to the Convention of the Diocese of the said Church.

Approved February 20, 1880.

No. 223. AN ACT TO MAKE APPROPRIATIONS FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF THE MEMBERS OF THE GENERAL ASSEMBLY, AND THE SALARIES OF THE SUBORDINATE OFFICERS AND EMPLOYEES THEREOF, FOR THE EXTRA SESSION COMMENCING FEBRUARY 10TH, 1880, AND OTHER OFFICERS AND MATTERS THEREIN NAMED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of twenty thousand dollars, if so much be necessary, be, and the same is hereby, appropriated to meet the expenses of the General Assembly at the extra session beginning February 10th, 1880, to be paid out of any money in the Treasury in preference to all other appropriations whatever, said sum to be paid out as follows:

Expenses of General Assembly.

Per diem.

For the payment of the per diem and mileage of the members of the General Assembly, eleven thousand one hundred dollars, or so much thereof as may be necessary.

Clerks.

For the pay of T. Stobo Farrow, Clerk of the Senate, and John T. Sloan, Clerk of the House of Representatives, each two hundred and fifty dollars during the session.

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DSC 14 - Act No. 612 of 1902

PLAINTIFF'S EXHIBIT Diocese-14
PENGAD 800-631-6989

A. D. 1902.

meeting of the next General Assembly, to which he shall report the condition of the records and amount of work accomplished. "And there is hereby appropriated the sum of one thousand dollars for the purpose of providing suitable cases and receptacles for the preservation of the said documents and papers."

Approved the 27th day of February, A. D. 1902.

No. 612.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO GRANT CERTAIN POWERS TO THE BISHOP AND STANDING COMMITTEE OF THE PROTESTANT EPISCOPAL CHURCH FOR THE DIOCESE OF SOUTH CAROLINA," APPROVED FEBRUARY 20TH, 1880, AND TO SUBSTITUTE IN THEIR PLACE ANOTHER BOARD OF TRUSTEES.

Powers bishop and standing committee of Protestant Episcopal Church amended.

Whereas, in and by an Act entitled "An Act to grant certain powers to the Bishop and Standing Committee of the Diocese of South Carolina," approved February 20th, 1880, the Bishop and members of the Standing Committee for the time being of the Protestant Episcopal Church for the Diocese of South Carolina and their successors in office and were appointed Trustees for the purpose of holding in trust any property heretofore given or acquired for objects connected with said church in said Diocese, other than that held by other corporations, and also for all property belonging to any of the corporations or churches or dormant parishes formerly connected with said church, but which may have ceased to have active operations and also of any property then or thereafter belonging to other churches or corporations which might desire to surrender or convey the same same to the said Trustees, or whose charter of incorporation might have expired.

And whereas, the said Bishop and members of the Standing Committee of the Diocese of the said church, at the request of the Council or Convention thereof, have memorialized the General Assembly to be relieved of the trust aforesaid and to substitute other Trustees in their place and stead.

Board of Trustees.

Section 1. Be it enacted by the General Assembly of the State of South Carolina, That the Bishop and members of the

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A. D. 1902.

Standing Committee of the said Diocese of the said church constituting under the Act aforesaid Trustees as aforesaid shall upon the election and organization of the Board of Trustees hereafter provided be relieved of and from the said trusts, and upon their accounting for the properties in their hands and transferring and turning over the same to the Trustees hereinafter provided, be discharged and exonerated therefrom.

Corporate name

Sec. 2. That a Board of Trustees is hereby incorporated to be known as "The Trustees of the Protestant Episcopal Church in South Carolina," which Board shall be constituted of not more than nine nor less than five members to be elected at the annual Council in and for the said church in the said Diocese in accordance with such canon or canons as by such Trustees may from time to time be adopted.

Powers of Trustees, succession.

Sec. 3. That the Trustees herein provided for and incorporated and their successors in office are hereby constituted such Trustees for the purpose of holding any and all property heretofore given to or acquired by the Bishop and members of the Standing Committee as Trustees under the Act aforesaid, of which this Act is amendatory, which may be transferred and turned over to them by said Trustees under this Act; and also for the purpose of receiving and holding any property heretofore or now held by any other corporation which may desire to surrender the same and shall voluntarily do so, and for the purpose also of receiving and holding any other property which may be given to them by will, donation, surrender or otherwise: *Provided, however,* And it is expressly declared to be the intention of this Act that the said Trustees shall receive and hold any and all property which may come into their hands under this Act upon the terms, conditions and trusts, and for the exclusive purpose of the gift, donation, contribution, or testamentary devise upon which each such piece of property was originally given, contributed, bequeathed or devised.

By-laws, &c.

Sec. 4. That the said Trustees constituted under this Act are hereby incorporated as a body politic by the name aforesaid, with all the powers of a corporate body, and may from time to time make such rules and by-laws for their government and for the management of the property under their charge as shall be approved by a majority of said Trustees.

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A. D. 1902.

Reports by.

Sec. 5. The Trustees hereinbefore provided for and incorporated shall report annually to the Council or Convention of the Episcopal Church in the Diocese of South Carolina a full and accurate statement of the funds and properties in their hands and of their investments thereof, also of their actings and doings as such Trustees.

Approved the 20th day of February, A. D. 1902.

No. 613.

AN ACT TO ALLOW THE COUNTY TREASURER OF ABBEVILLE COUNTY TO BORROW MONEY FOR SCHOOL PURPOSES, AND TO ALLOW THE COMMISSIONERS OF THE SINKING FUND TO LEND THE SAME.

Loan authorized for school purposes.

Section 1. Be it enacted by the General Assembly of the State of South Carolina: That the County Treasurer of Abbeville County, be, and hereby is, authorized and directed to borrow, from time to time as may be necessary, on his official note or notes or other similar official evidences of indebtedness, a sum or sums of money not exceeding ten thousand dollars in all, on the lowest rate of interest offered, not exceeding seven per cent. per annum, for the purpose of paying salaries of the teachers in the free public schools in said County, not including the School District of the town of Abbeville, and the said Treasurer is authorized to pledge for security such borrowed moneys the taxes levied for such purpose; and the Commissioners of the Sinking Fund, in their discretion, shall be allowed to lend to the County Treasurer said sum of ten thousand dollars herein authorized to be borrowed for school purposes, at a rate of five per cent. per annum interest, should they be so advised.

Approved the 25th day of February, A. D. 1902.

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DSC 16 - Bylaws of the Trustee Corporation (March 17, 2010)

BY-LAWS of the TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH IN SOUTH CAROLINA, a corporation

PREAMBLE

These By-Laws are adopted by the Trustees of the Protestant Episcopal Church in South Carolina, a corporation organized and existing under the laws of South Carolina, having been so incorporated by an Act of the general Assembly approved by the Governor of South Carolina on February 20, 1902; and under the authority of Canon XIII "Trustees of the Diocese" of the Diocese of South Carolina.

ARTICLE I

PURPOSE

The purpose of the corporation shall be to hold and manage assets, including but not limited to, land, buildings, stocks, bonds, other securities, cash and personal property which are owned by the Diocese of South Carolina or by any institutions affiliated with the Episcopal Church which entrusts its assets to the Trustees for such management; which duties and responsibilities shall be performed under the authority of the Constitution and Canons of the Diocese of South Carolina, and in accordance with the laws of South Carolina and of the United States.

ARTICLE II

OFFICERS

Pursuant to canonical authority, the Bishop of the Diocese of South Carolina shall be President of the corporation; and a Vice-President, a Secretary, and Treasurer shall be elected by the Trustees at the first meeting of the Board following each annual Convention of the Diocese of South Carolina to serve until the next annual Convention, or until their successors are elected; provided, any two officers, with the exception of President, may be combined; and further provided, that the Secretary and Treasurer need not be members of the Board but they must be communicants of the Church.

The Board may, in its discretion, appoint an assistant Secretary and/or Treasurer who need not be members of the Board of communicants of the Church.

ARTICLE III

DUTIES OF OFFICERS

1. President. The Bishop of The Diocese of South Carolina, as President, shall preside at all meetings of the corporation, and shall generally oversee the work of the Board.

2. It shall be the duty of the Vice-President to perform the duties of the President in his absence, and to perform any other duties prescribed for such office by the Board.

3. Secretary. The Secretary shall keep a record of all the proceedings of the Board, and perform such other duties as may be prescribed by the Board.

4. Treasurer. It shall be the duty of the Treasurer to receive all funds or other property given to or entrusted to the Trustees, and to disburse funds and distribute property in such a manner as directed by the Board. It shall also be the duty of the Treasurer to keep the corporation's financial records, and to make regular reports of the financial condition of the Trustees to the Convention of the Diocese of South Carolina, and to any division thereof as directed by said Convention.

ARTICLE IV

MEETINGS

The Board shall schedule meetings no less frequently than quarterly provided, that the President shall be authorized to call special meetings whenever the need for such exists; and the Secretary shall duly inform all members in writing of all meetings of the Board.

ARTICLE V

COMMITTEE ON FINANCE AND INVESTMENT

The President shall appoint a Committee on Finance and Investment at the time of the annual election of officers of the Board. Such Committee shall consist of not less than three (3) members of the Board who shall serve until their successors are appointed. The President shall designate one of the Board members so appointed to the Committee as Chairman. The President and the Treasurer if they are not regularly appointed to the Committee shall be ex officio members of the Committee

It shall be the duty of the Finance and Investment Committee to supervise and manage the investments and property of the Trustees, and it is authorized to make changes in investments by buying and selling assets; provided that no assets of the Trustees shall be encumbered without specific authorization from the Board for such purpose. It shall further be the duty of the Committee to report all its actions at each meeting of the Board.

ARTICLE VI

OTHER COMMITTEES

The President may appoint such other Committees as are necessary and desirable to facilitate the work of the Board.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended at any regular meeting of the Board by a vote of 2/3 of the members.

Amended this 17th day of March 2010 at Charleston, South Carolina.

President

Secretary

DSC 17 - Bylaws of the Trustee Corporation (January 4, 2013)

BY-LAWS OF
THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH IN SOUTH CAROLINA, a corporation

PREAMBLE

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ARTICLE I

PURPOSE

The purpose of the corporation shall be to hold and manage assets, including but not limited to, land, buildings, stocks, bonds, other securities, cash and personal property which are owned by The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese of South Carolina")or by any other institution which entrusts its assets to the Trustees for such management; which duties and responsibilities shall be performed in accordance with the laws of South Carolina and of the United States.

ARTICLE II

OFFICERS

Mark J. Lawrence shall be President of the corporation; and a Vice-President, a Secretary, and Treasurer shall be elected by the Trustees at the first meeting of the Board following each annual Convention of the Diocese of South Carolina to serve until the next annual Convention, or until their successors are elected; provided, any two officers, with the exception of President, may be combined; and further provided, that the Secretary and Treasurer need not be members of the Board but they must be communicants of the Church.

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ARTICLE VI

OTHER COMMITTEES

The President may appoint such other Committees as are necessary and desirable to facilitate the work of the Board.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended at any regular meeting of the Board by a vote of 2/3 of the members.

Amended this 4th day of January 2013 at Charleston, South Carolina.

President

Secretary

DSC 18 - Quitclaim Deed to St. Luke's with Cover Letter and Memo

Law Offices
Harvey & Battey, P.A.
1001 Craven Street
Post Office Drawer 1107
Beaufort, South Carolina 29901-1107
Telephone (843) 524-3109
Fax (843)-524-6401
Email: tdavis@harveyandbattey.com

W. BRANTLEY HARVEY, SR.
(1893-1981)
W. BRANTLEY HARVEY, JR.
COLDEN R. BATTEY, JR.
WILLIAM B. HARVEY, III
JOHN M. TATUM, III
THOMAS C. DAVIS
THOMAS A. HOLLOWAY
EUGENE PARRS
J. SAMUEL SCOVILLE

DATE: November 17, 2011

TO: Rector, ~~Episcopal Parish~~ Church in South Carolina

FROM: Tom Davis

RE: Delivery of Quit Claim Deed

Enclosed is an executed original Quitclaim Deed executed by Mark J. Lawrence, Bishop of the Episcopal Diocese of Charleston; The Standing Committee of the Episcopal Diocese of South Carolina; and the Protestant Episcopal Church in the Diocese of South Carolina, in favor of your local parish church, conveying any and all real property in your county that is commonly assumed to be owned by your parish.

Also enclosed is a memorandum from Wade Logan, the Chancellor of the Diocese of Charleston, ~~to the parishes of the Diocese of South Carolina~~, explaining why the within Quitclaim Deed is being tendered to you.

Our firm, as escrow agent, has been holding the within deed pending further instruction from the Diocese. Yesterday we were advised to remit the within deed to you, and we are doing so.

If you have any questions about this deed, you can call either Mr. Logan or me at the number above.

The Reverend Canon Jim Lewis
Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403
Canon to
the Ordinary

Memo

November 16, 2011

To: Parishes of the Diocese of South Carolina

From: Mr. Wade Logan, Chancellor

RE: Property Issues

Attached is a Quit Claim Deed. It is delivered to your parish in keeping with the following statement from the diocese:

For 190 years (1789-1979) there had never been any idea that somehow the parishes did not completely and fully own their property. Our Supreme Court has now said that the attempt to change that in 1979 by the General Convention was not binding on the parish of All Saints, Pawley's Island, SC. In recognition of that ruling, and in continued pursuit of our historic unity based on common vision rather than legal coercion, the Diocesan Convention removed the ~~relevant section from our canons in October 2010. The issuance of these~~ quitclaim deeds lays to rest any lingering issue that may exist for some parishes when they seek to obtain title insurance or secure bank financing for parish projects. Parishes may choose to file them or not based on their individual needs. We trust this action will enable parishes to freely exercise their rights and responsibility to oversee that which God, through the faithfulness of prior generations, has bequeathed to them.

Please feel free to contact the diocesan office if you have any questions.

Telephone (843) 722-4075 • E-mail: jlewis@dioceseofsc.org • Fax (843) 723-7628

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

TITLE TO REAL ESTATE

WHEREAS, the Grantor herein, The Protestant Episcopal Church in the Diocese of South Carolina, a South Carolina nonprofit religious corporation, by and through its President, Paul C. Fuener, is desirous of executing the within Quitclaim Deed to provide record notice that the Grantor claims no ownership interest in and to the real property hereinafter described, and to further provide record notice that the Grantee herein, Saint Luke's Church, Hilton Head Island, is the fee simple owner of said real property:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT

The Protestant Episcopal Church in the Diocese of South Carolina,

hereinafter referred to as the "Grantor," for Five and No/100 ($5.00) Dollars in hand paid other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, paid to it on this date by

SAINT LUKE'S CHURCH, HILTON HEAD ISLAND

hereinafter referred to as the "Grantee," has granted, quitclaimed, bargained, sold and released, and does hereby grant, quitclaim, bargain, sell and release unto the Grantee, its heirs, successors and assigns, all of the Grantor's interests, if any, in and to the following real property:

SEE ATTACHED EXHIBIT "A"

Grantee's Address: 50 Pope Avenue, Hilton Head, SC 29528

TOGETHER with the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the Grantee, its heirs, successors and assigns, forever, so that neither the Grantor nor any other person or persons claiming under the Grantor, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS THE Grantor's Hand and Seal this 11th day of July, 2011.

IN THE PRESENCE OF:

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA

By: Paul C. Fuener
Paul C. Fuener
Its President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me first (undersigned) witness and made oath that s/he saw the Grantor herein, ***THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA***, by its President, Paul C. Fuener, sign, seal, and as its act and deed, deliver the within-written Quitclaim Deed, and that s/he with the second witness witnessed the execution thereof.

SWORN to before me as of the
11 day of July, 2011

Notary Public for South Carolina
My Commission Expires: 3-10-2013

EXHIBIT A

PARCEL 1:

ALL that certain piece, parcel or tract of land with improvements thereon, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, being more particularly shown and described on a plat prepared by Fred C. Hack, Registered Land Surveyor, and recorded in the office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 13, at Page 60, and on a plat prepared by Thomas and Hutton Engineering Company of Savannah, Georgia, and recorded in the office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 16 at Page 62. Said tract of land is designated on plat as the Southern Portion of Area "T" and is bounded and described as follows, to wit: Beginning at a concrete monument on Cordillo Parkway and running thence North 54° 20' East a distance of 377.0 feet to a concrete monument: thence in an arc at the corner of Cordillo Parkway and Pope Avenue to a concrete monument; thence running North 35° 40' West a distance of 245 feet to a concrete monument: thence South 54° 20' West a distance of 600 feet to a concrete monument; thence South 35° 40' East a distance of 470.0 feet to the point of beginning. Said tract of land is bounded on the North and West by land of the Sea Pines Plantation Company, on the East by Pope Avenue, and on the South by Cordillo Parkway.

This property is the identical property conveyed to the Grantee herein, by deed from the Trustees of the Protestant Episcopal Church in South Carolina dated August 24, 1970 and recorded September 9, 1970 in Deed Book 177 at page 82 in the Office of the Register of Deeds for Beaufort County, South Carolina; having been conveyed the property from Sea Pines Plantation Company recorded in Deed Book 115 at Page 319 and Deed Book 148 at Page 264 of the Beaufort County Register of Deeds.

TMS# 552-15-283

PARCEL 2:

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as Parcel 31-C, Lot C-1, 1.205 acres, on Pope Avenue, shown on a plat entitled "A Plat of Lots C-1 and C-2, a Portion of Parcel 31-C, a Section of Pope Avenue Composite," prepared by Jerry L. Richardson, S.C. Reg. L.S. No. 4784, dated 03/06/79, and recorded in Deed Book 308 at Page 1739 in the Office of the Clerk of Court for Beaufort County, South Carolina.

This property is the identical property conveyed to the Grantee herein by deed from NationsBank of South Carolina, N.A. on June 11, 1993 and recorded in Deed Book 631 at Page 1286 in the Beaufort County Register of Deeds.

TMS# 540-15-270

PARCEL 3:

ALL that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, County of Beaufort and State of South Carolina, more particularly described as follows: and designated as Parcel I-B on a Plat entitled "Paper Plat, Parcels I and IIB, Pope Avenue, Sea Pines Plantation, Hilton Head Island, Beaufort County, South Carolina for William M. Bowen," said Plat being dated October, 1977, and recorded with the RMC Office for Beaufort County, South Caroline, in Plat Book 26 at page 103, and;

Together with a twenty-four (24) foot Access Easement along the southernmost boundary of other lands of ES Enterprises which is contiguous to the parcel conveyed herein and more specifically described on the aforementioned plat.

Together with a twelve (12') foot non-exclusive easement for the purpose of ingress and egress as described in that certain Grant of Non-Exclusive Easement from Bowen & Smoot, a South Carolina Partnership, to First Union National Bank of South Carolina, dated May 14, 1992 and recorded in the RMS Office for Beaufort County, South Carolina in Deed Book 598 at Page 2409.

Together with all of the rights and benefits and subject to all of the obligations, restrictions, limitations and covenants of the Grantor contained in that certain Cross Easement Agreement between Grantor and Bowen & Smoot, a South Carolina Partnership, dated May 15, 1992 and recorded in the RMC Office for Beaufort County, South Carolina in Deed Bok 598 at Page 2413.

This being the identical property conveyed to the Grantee herein by deed from Thomas E. White on June 10, 1996 and recorded in Deed Book 864 at Page 2471 in the Beaufort County Register of Deeds.

TMS: 540-15-283

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AFFIDAVIT OF TRUE CONSIDERATION and CLAIM FOR EXEMPTION from RECORDING FEES

PERSONALLY appeared before me the undersigned, who is duly sworn, deposed, and says that the following is a true and correct statement concerning the CONSIDERATION for the conveyance set forth below, and concerning any EXEMPTION claimed by the Filer under the laws of the State of South Carolina, Inc, local governmental entities, or as otherwise provided by law.

GRANTOR NAME:	The Right Reverend Mark J. Lawrence, Bishop of the Episcopal Diocese of South Carolina; and The Standing Committee of the Episcopal Diocese of South Carolina
GRANTEE NAME:	Saint Luke's Church, Hilton Head Island
GRANTEE MAILING ADDRESS:	50 Pope Ave. Hilton Head Island, SC 29928
DATE OF CONVEYANCE:	February 16, 2010
TRUE CONSIDERATION:	$ 10.00
TAX DISTRICT/MAP/PARCEL NO.: (NOTE: This information must appear on any Deed, and any Plat, whether attached or filed separately.)	Any and all property shown in the Beaufort County Assessor's records owned by Grantee, and/or its affiliates

STATE RECORDING FEE EXEMPTION – N/A
(Per S.C. Code Sect. 12-24-40. Note Subparagraph No.)

OTHER EXEMPTION – Please Cite Federal, State or other Code as applicable, and describe Exemption below: N/A

Signed: _____
Printed Name: Thomas C. Davis
As (Capacity): Attorney for Grantor

SWORN TO BEFORE ME,
this 16th day of November, 2011

SIGNED: Cindy C. Graves
Notary Public for South Carolina
My Commission Expires: August 21, 2016

DSC 30 - Deed of Seabrook Island Property to Trustee Corporation (July 30, 1951)

Recd (10-9-09)

PLAINTIFF'S EXHIBIT D-30
PENGAD 800-631-6989

THE STATE OF SOUTH CAROLINA

WHEREAS, Victor Morawetz, late of the City of New York, in the State of New York, departed this life on the 15th day of May, 1938, seized and possessed of the premises hereinafter described and conveyed, and leaving of force his last will and codicil dated July 27, 1937, which was thereafter on May 31, 1938, duly admitted to probate in the Surrogate's Court for the County of New York, in the State of New York, and

WHEREAS, an exemplified copy of the said will and of the proceedings incident to the probate thereof in the said Surrogate's Court for the County of New York, New York, was filed in the Probate Court of Charleston County, South Carolina, on June 29, 1938, and

WHEREAS, by the terms of the said will, the said testator, among other things, gave and devised to his wife, Marjorie Nott Morawetz, her heirs and assigns forever, all lands and interests in lands in the State of South Carolina, together with the buildings and improvements thereon belonging to the said testator at the time of his death, including the premises hereinafter described and conveyed.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that I, the said Marjorie Nott Morawetz, of the City of New York, in the State of New York, desiring to further the welfare of the Protestant Episcopal Diocese of South Carolina, and in consideration of the good works of The Trustees of the Protestant Episcopal Church in South Carolina, and in further consideration of the sum of One ($1.00) Dollar to me in hand paid by the said The Trustees of the Protestant Episcopal Church in South Carolina at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,

Have given, granted, bargained, sold and released and by these presents do give, grant, bargain, sell and release unto the said The Trustees of the Protestant Episcopal Church in South Carolina, their successors and assigns forever:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situate, lying and being on Seabrook Island, in the County of Charleston and State of South Carolina, and being that portion of Seabrook Island measuring and containing approximately Nine Hundred Eighty and one-tenth (980.1) acres of high land and approximately Two Hundred Nineteen and eight-tenths (219.8) acres of marsh land, and having such shape, metes, bounds and content as are shown and delineated on a "Plat of a Portion of Seabrook Island" compiled by The John McCrady Co., Engineers, in July, 1951, from a plat made by the said The John McCrady Co. dated January, 1938, and recorded in the R. M. C. Office for Charleston County in Plat Book E, at page 229, which compiled plat of July, 1951, is hereby made a part hereof and is to be recorded herewith; the said property being the same that was acquired in several parcels by Victor Morawetz by several conveyances, to-wit: deed of Park S. Smith and E. Bates Wilson, dated November 2, 1936, and recorded in the R. M. C. Office for Charleston County in Book K-39, page 179; deed of Susan G. Seabrook, dated June 2, 1937, and recorded in the R. M. C. Office aforesaid in Book K-39, at page 230; and deed of Margaretha Andell, dated January 19, 1938, and recorded in the R. M. C. Office aforesaid in Book E-10, at page 27; and the whole of said property was thereafter devised, under the will of the said Victor Morawetz, to his wife, the grantor herein, as will appear by reference to said will, which was admitted to probate in the Surrogate's Court for the County of New York, New York, on May 31, 1938, and in the Probate Court for Charleston County, S. C., by exemplified copy filed therein on June 18, 1938, and there recorded in Will Book 26, at page 390;

Saving and Excepting, however, that certain lot in the southwestern portion of said property, containing Seventeen and one-tenth (17.1) acres, indicated on said compiled plat by the red lines lettered WXYZ, which said lot is reserved by the grantor and is not included in this conveyance, and reserving to the grantor, her heirs, executors, administrators and assigns, and her and their licensees and invitees, the right of ingress, egress and regress on foot and by vehicles to and from the said lot of land, over, upon and across the property hereby conveyed, by means of any and all roads now existing or which may hereafter be constructed;

AND saying and reserving to the grantor, and to her licensees and invitees, the exclusive right to the use and enjoyment of the Club House shown on said compiled plat, for and during the life of the said grantor; and further reserving to the grantor and her licensees and invitees, during the life of the grantor, the right of ingress, egress and regress to and from the said Club House, on foot and by vehicles, over, upon and across the property hereby conveyed, by means of any and all roads now existing or which may hereafter be constructed.

WITHOUT limiting the absolute estate hereby conveyed, it is the wish of the grantor herein that the grantees hereunder, in their use and enjoyment of the property hereby conveyed, shall so far as may be possible preserve unspoiled the natural beauty of the same.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said The Trustees of the Protestant Episcopal Church in South Carolina, their successors and assigns forever.

AND I do hereby bind myself and my heirs, executors, and administrators to warrant and forever defend all and singular the said premises unto the said The Trustees of the Protestant Episcopal Church in South Carolina, their successors and assigns, against myself and my heirs and all other persons by, through, or under me claiming or to claim the same or any part thereof.

WITNESS my hand and seal this 30th day of July, in the year of our Lord One Thousand Nine Hundred and Fifty-One and in the One Hundred and Seventy-sixth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered Marjorie Nott Morawetz (L.S.)
in the presence of:

Simons V-H. Waring
Louisa J. Waring

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PERSONALLY APPEARED before me Simons V-H. Waring and made oath that he saw the within-named Marjorie Nott Morawetz sign, seal and as her act and deed deliver the within written deed, and that he with Louisa J. Waring witnessed the execution thereof.

Simons V-H. Waring

SWORN to before me this
30th day of July, A. D., 1951.

Lionel K. Legge (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

Recording 7 acres situated partly in Plat Book H, Pg. 113.

Recorded November 11 1951 at 12:15 o'clock P. M. C. Doc. Stamps none affixed. U. S. Doc. Stamps none affixed. Original delivered to Morris & Morris

being first endorsed or recorded by County Auditor. JULIUS D. COCKFIELD, R. M. C.

DSC 32 - Minutes of Standing Committee Meeting (October 2, 2012)

Minutes of the Meeting of the Standing Committee of the Protestant Episcopal Church in the Diocese of South Carolina
October 2, 2012

The meeting of the Standing Committee of the Protestant Episcopal Church in the Diocese of South Carolina ("Standing Committee") was called to order at 9:45 a.m. and began with a prayer by Mr. Reid Boylston. The Standing Committee members present were the Very Rev. Paul Fuener, President; the very Rev. John Barr; Mr. Reid Boylston; the Rev. Tripp Jeffords; the Rev. Andrew O'Dell; Mrs. Boo Pennewill; Mrs. Suzanne Schwank; the Rev. Greg Snyder; the Rev. Ken Weldon, and Mrs. Ann Hester Willis, Secretary; which constituted a quorum in each order. Mr. Bill Lyles and Mr. Ed Mitman and were absent. Bishop Mark Lawrence, Mr. Wade Logan and Mr. Alan Runyan were also present. Canon Jim Lewis joined the meeting later.

The Rev. Greg Snyder made a motion to approve the minutes of the Standing Committee meeting held on September 18, 2012. The motion was seconded by the Rev. Tripp Jeffords and passed unanimously.

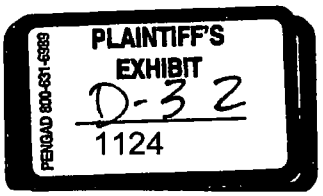
A motion was made by Mrs. Ann Hester Willis for the Standing Committee to enter into Executive Session. The motion was seconded by the Rev. Andrew O'Dell and passed unanimously.

The Standing Committee came out of Executive Session.

The Standing Committee received from Bishop Lawrence the answers to the questions that the Standing Committee submitted to the Bishop to be answered in accordance with the Standing Committee's resolution at its September 18 meeting. A copy of the Bishop's answers to those questions is attached to these minutes.

The following motion was made by Mrs. Willis and seconded by the Rev. Greg Snyder:

"The Protestant Episcopal Church in the Diocese of South Carolina, through its Board of Directors and its Standing Committee, hereby withdraws its accession to the Constitution of the Episcopal Church and disaffiliates with the Episcopal Church by withdrawing its membership from the Episcopal Church. This decision shall be effective immediately upon the taking of any action of any kind by any representative of the Episcopal Church against The Bishop, The Standing Committee or any of its members or the Convention of this Diocese or any of its



members including purporting to discipline, impair, restrict, direct, place on administrative leave, charge, derecognize or any other action asserting or claiming any supervisory, disciplinary or other alleged hierarchical authority over this Diocese, its leaders or members.

The Chancellor shall certify to the Ecclesiastical Authority and to the Board of Directors that such condition has occurred which certification shall be conclusive."

After thorough discussion, the motion passed unanimously.

Joint Meeting of the Standing Committee with the Commission on Ministry beginning at 12:30 p.m.

The joint meeting of the Standing Committee and the Commission on Ministry ("COM") began with a prayer by the Very Rev. John Burwell, Chair of the COM.

Following a brief introduction by the Very Rev. Burwell, the Standing Committee and COM interviewed Daniel Cenci for Candidacy for the Priesthood. Mr. Cenci gave a review of his history and calling to the priesthood. Mr. Cenci told the committees about his recent engagement to be married. After responding to questions from members of both committees, Mr. Cenci was excused from the room. A motion was made by the Rev. Andrew O'Dell and seconded by the Rev. Tripp Jeffords to approve the Candidacy of Mr. Cenci for the priesthood. The motion passed unanimously. Mr. Cenci was invited back into the room and given the good news that he is now a candidate for the priesthood. He received prayer before departing.

Canon Lewis read the report from the Very Rev. M. Dow Sanderson, the chair of the Examining Chaplains, of the Canonical Oral Exam completed by Jonathan Bennett. Mr. Bennett was then interviewed by the committees for approval to the Transitional Diaconate, during which Mr. Bennett gave a brief update on his activities. Mr. Bennett was excused. A motion was made by the Rev. Andrew O'Dell and seconded by the Rev. Greg Snyder to approve Mr. Bennett to be ordained to the Transitional Diaconate. The motion passed unanimously. Mr. Bennett was invited back into the meeting, given the good news of his approval and received prayer before departing.

The next order of business was interviewing candidates for approval to the Vocational Diaconate. The first candidate interviewed was Ely E. Driggers, Jr. ("Eddy"). Mr. Driggers explained that currently he is working for the Coastal Crises Chaplaincy and that he hopes to continue in that role. After responding to the questions from the members of the two committees, Mr. Driggers was excused. A motion was made by Mr. Reid Boylston and seconded by the Rev. Andrew O'Dell to approve Mr. Driggers for ordination to the Vocational Diaconate. The motion passed unanimously. Mr. Driggers was invited back into the meeting and given the news that he had been approved.

The second candidate interviewed for approval to Vocational Diaconate was Mr. Frank B. Sanders. Mr. Sanders distributed a personal mission statement and described for the committees his ministry during the previous year. After responding to questions asked by members of both committees, Mr. Sanders was excused. The Rev. Andrew O'Dell moved to approve Mr. Sanders to the Vocational Diaconate. The motion was seconded by Ms. Pennewill and passed unanimously. Mr. Sanders was invited back into the meeting and given the news that he had been approved.

The third candidate interviewed for approval to Vocational Diaconate was John Foster III. Mr. Foster described for the committees the ministry in which he has been involved for the past year. After responding to the questions asked by members of both committees, Mr. Foster was excused. A motion was made by the Rev. Greg Snyder and seconded by the Rev. Tripp Jeffords to approve Mr. Foster for ordination to the Vocational Diaconate. The motion passed unanimously. Mr. Foster was invited back into the meeting and given the news that he had been approved.

The final candidate interviewed for approval to the Vocational Diaconate was Michael W. Sheedy. Mr. Sheedy gave a brief description of his ministry during the previous year. After responding to questions from members of both committees, Mr. Sheedy was excused. A motion was made by the Rev. Andrew O'Dell and seconded by Mr. Reid Boylston to approve Mr. Sheedy to the Vocational Diaconate. The motion passed unanimously. Mr. Sheedy was invited back into the room and given the news that he had been approved.

The future regular meetings of the Standing Committee, to be held at the Diocesan House, are: Nov. 6 (one Priesthood interview), Dec. 4, Jan. 8, Feb. 5, and March 5, 2012.

The meeting of the Standing Committee was adjourned at 3:20 p.m.

Respectfully submitted,

Ann Hester Willis, Secretary

DSC 40 - Historical Society Agreement (November 13, 2013)

Letter of Agreement Between

The Diocese of South Carolina

and

The South Carolina Historical Society

In recognition of their years of association and cooperation, the **Protestant Episcopal Church in the Diocese of South Carolina** (the Diocese) and the **South Carolina Historical Society** (the Society) wish to reaffirm, by this agreement, their mutual understanding regarding the use of those historical documents originating with the Diocese and of which the Society is now the legal custodian.

Because the Diocese of South Carolina now finds itself in litigation involving the attempts of a third party to assume our legal identity, the following express statements of the understood policy and practice of the Society have been requested.

First, it is mutually understood that all such documents, presently held by the Society and any others that are hereafter donated , that constitute the archival history of the Diocese of South Carolina will continue to be held on the premises of the South Carolina Historical Society. As stated in the deed of gift which was signed by the Rt. Rev.Edward L. Salmon in 2003, the Diocese and its representatives will have unfettered access to these records during normal business hours of the South Carolina Historical Society.

Second, it is agreed that at such time as archival materials may be required by the Diocese for use as exhibits in legal proceedings, they will be made available to the Diocese for use outside the Society's facilities, with due and appropriate precautions for their care and preservation.

Faye L. Jensen — 11/13/2013

Dr. Faye Jensen
Executive Director,
South Carolina Historical Society

Date

Jim Lewis — 11-13-13

The Rev. Canon Jim Lewis
Canon to the Ordinary and
Registered Agent, The Protestant Episcopal
Church in the Diocese of South Carolina

Date

PENGAD 800-631-6989

PLAINTIFF'S EXHIBIT 40

DSC 41A- May 1786 Constitution (handwritten)

Whereas in all Societies professing Christian
the promotion of Religion should primarily engage their sincere attention as being the sure and only means of rendering them acceptable to Almighty God & of drawing his Blessing upon the Community at Large, And Whereas agreeable to the Constitution of this State, all persons & religious Societies who acknowledge that there "is one God and a future State of Rewards and Punishments and "that God is publickly to be worshipped shall be freely tolerated

We the Subscribers by Virtue of the Commission and powers to us duly delegated by the Conventions of our respective protestant Episcopal Churches do on behalf of the said Churches Associate and obligate ourselves to an Observance of the following Articles as fundamental and essential -

Article 1st That the protestant Episcopal Church in these States is and ought to be independent of all foreign Authority Ecclesiastical or Civil -

Article 2d That it hath and ought to have in common with all other Religious Societies full and exclusive powers to regulate the Concerns of its own Communion -

Article 3d That the doctrines of the Gospel be maintained as now professed by the Church of England and Uniformity of Worship be continued as near as circumstances will allow to the

PLAINTIFF'S EXHIBIT 41
PENDAO 800-631-6989

Liturgy of the Ind Church —

Article 4th That the Succession of the Ministry be agreable to the usage which requireth the three orders of Bishops Priests and Deacons, ~~(with an Exception~~ *~~herefore~~ Feby 10th 1795 ~~however to the Establishing of Bishops in this State,~~) that the Rights and Powers of the same be respectively ascertained and that they be exercised according to reasonable laws to be duly made —

Article 5th That to make Regulations Rules and Laws there be no other Authority than that of a Representative Body of the Clergy and Laity conjointly —

Article 6th That no power be delegated to a General Ecclesiastical Government except such as can not be exercised by the Clergy and Vestries in their Respective Congregations —

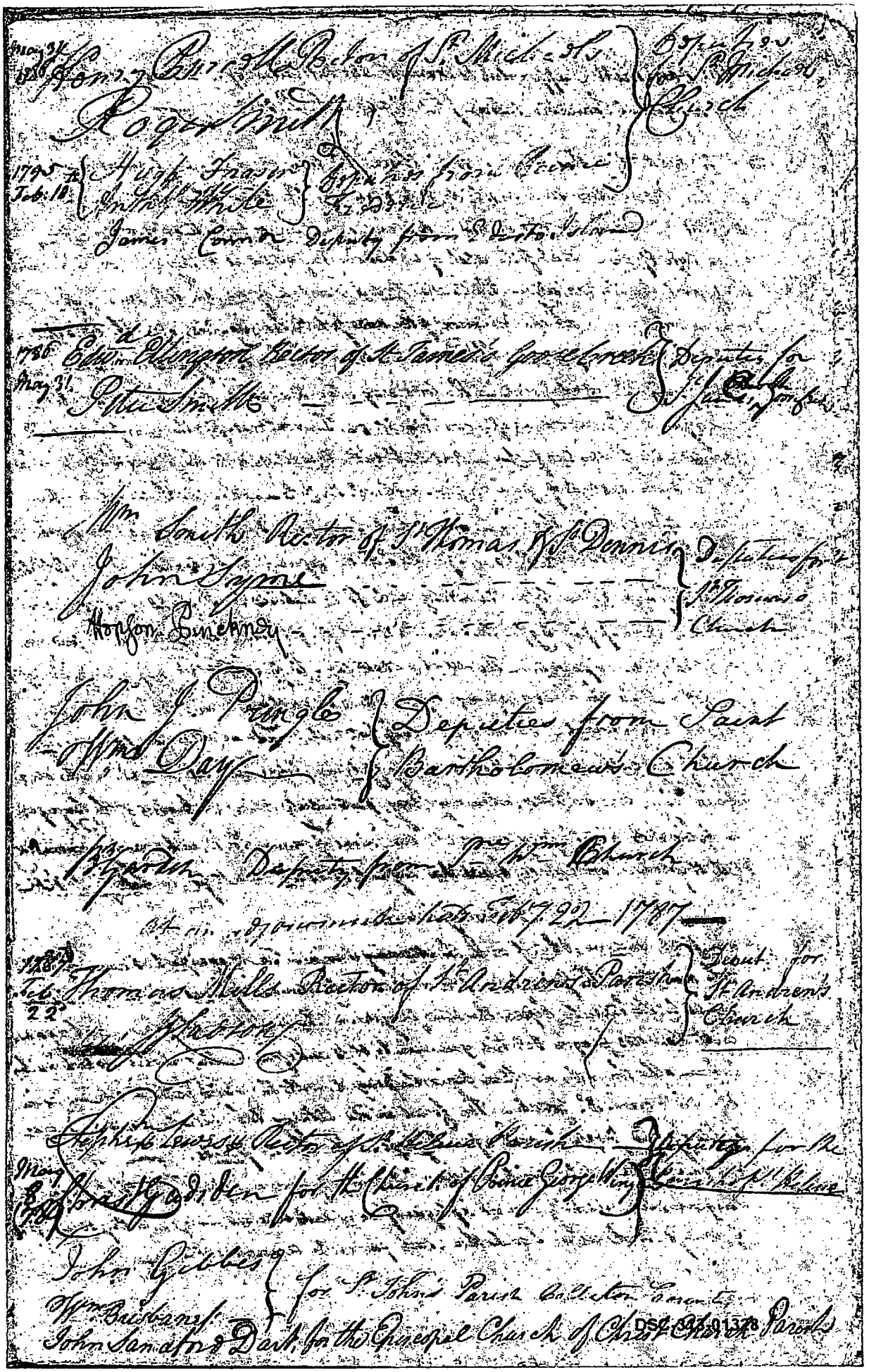
Done in the City of Charleston this 31st Day of May 1786

In Witness our Hands —

Robert Smith Rector of St Philips Church
Thomas Frost
Daniel Cannon

Deputies for St Philips Church Charleston

DSC-313-01927



DSC 41B - May 1786 Constitution (typed transcription)

CONSTITUTION OF THE PROTESTANT EPISCOPAL CHURCH IN SOUTH CAROLINA

May 31, 1786

"WHEREAS in all Societies professing Christianity, the promotion of religion should primarily engage their sincere attention, as being the sure and only means of rendering them acceptable to Almighty God, and of deriving his blessing upon the community at large: AND WHEREAS agreeably to the constitution of this state, 'all persons or religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated:'

"WE, the subscribers, by virtue of the commission and powers to us duly delegated by the Vestries of our respective Protestant Episcopal Churches, do, on behalf of the said Churches associate and obligate ourselves to an observance of the following Articles as fundamental and essential:

"ART. 1. That the Pro. Epis. Church in these states is, and ought to be, independent of all foreign authority, Ecclesiastical or Civil.

"ART. 2. That it hath, and ought to have, in common with all other religious societies, full and exclusive powers to regulate the concerns of its own communion.

"ART. 3. That the doctrines of the Gospel be maintained as now professed by the Church of England, and uniformity of worship be continued, as near as may be, to the Liturgy of the said Church.

"ART. 4. That the succession of the Ministry be agreeable to the usage which requireth the three Orders of Bishops, Priests and Deacons (with an exception however to the establishing of Bishops in this state,)* that the rights and powers of the same be respectively ascertained, and that they be exercised according to reasonable laws to be duly made.

"ART. 5. That to make Regulations, Rules and Laws, there be no other authority than that of a Representative Body of Clergy and Laity conjointly.

"ART. 6. That no power be delegated to a General Ecclesiastical Government, except such, as cannot be exercised by the Clergy and Vestries, in their respective Congregations.

"Done in the City of Charleston, the 31st day of May, 1786.

"Witness our hands.

	"ROBERT SMITH, Rector of St. Philip's Church,	Deputies for St. Philip's Church, Charleston.
	"THOMAS FROST,	
	"DANIEL CANNON,	
"1786 May 31.	HENRY PURCELL, Rector of St. Michael's Church,	Deputies for St. Michael's Church.
	ROGER SMITH,	
"1795. Feb. 10.	HUGH FRASIER	Deputies from Prince Frederick.
	ANTHONY WHITE	

PLAINTIFF'S EXHIBIT 41-B
PENGAD 800-631-6989

	"JAMES CONNOR, Deputy from Edisto Island.	
"1786	EDWARD ELLINGTON	Deputies from St.
May 31.	Rector of St. James', G.Ck.	James' Church,
	PETER SMITH,	Goose Creek.
	"WILLIAM SMITH, Rector of	Deputies for
	St. Thomas and St. Dennis,	St. Thomas'
	"JOHN SYME,	Church.
	"HOPSON PINCKNEY,	
	"JOHN J. PRINGLE,	Deputies from St.
	"WILLIAM DAY,	Bartholomew's Church.
	"BENJAMIN GARDEN,	Deputy from Prince William's Church.
"1787	THOMAS MILLS, Rector of St.	Deputies for
Feb. 22.	Andrew's Parish,	St. Andrew's
	JAMES LADSON,	Church.
	"STEPHEN C. LEWIS	Deputy for the Parish
	Rector of St. Helena	of St. Helena.
"1789.	CHRISTOPHER GADSDEN	For The Church
May 8.		of Prince George, Winyaw.

* See Journal of February 10, 1795.

DSC 42 - Packets for Diocesan Conventions A - 2010 Convention (excerpts)

Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413
Office • 126 Coming Street • Charleston, South Carolina 29403

March 5, 2010

To: Diocesan Convention Delegates and Alternates
From: Beth Snyder, Convention Coordinator
Re: 219th Diocesan Convention, March 26, 2010

Thank you for your willingness to serve your parish in the important role of Convention Delegate. We are also sending this packet to all alternates who were elected to serve, as some of you may be serving due to the change in the Convention date. You will find the following in this mailing:

- Welcome Letter from St. Paul's, Summerville
- Map to St. Paul's in Summerville, and a map of their campus (on the reverse side)
- Proposed Agenda
- Nominations for Diocesan Elections
- Diocesan Convention Committees

The schedule for the day of Convention is as follows:

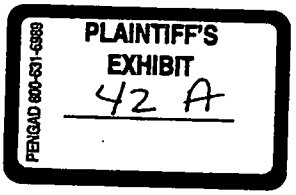
- Friday, March 26, 2010
  - 7:30 am -9:00 am Registration in Doar Hall
  - 9:00 am Service of Holy Eucharist-Call to Convention to follow

Visitors:

- Visitors are welcome to attend Convention, provided they are pre-registered by March 12. The cost is $20.00 and visitors may register at our website.

- Visitors will be seated in the adjacent Sanctuary and watch the proceedings on a live feed.

Telephone (843) 722-4075 • Email: [redacted] • Fax (843) 723-7628



DSC-730-09481

Proposed Resolution R-6 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: *Amendment of the Constitution of the Diocese of South Carolina*

Resolved that Article I of the Diocese of South Carolina is hereby amended to read as follows:

> The Church in the Diocese of South Carolina accedes to ~~and adopts~~ the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States of America ~~and acknowledges this authority accordingly.~~
>
> [illegible]

Resolved that Article VIII 1 B.2 e regarding requirements of new parishes is hereby amended to read as follows

> e its willingness to conform to the Constitution ~~and Canons~~ of the [illegible] ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese which are, or thereafter may be, enacted by the authority of the ~~same~~ Diocese

Resolved that Article VIII 1 B.2 e regarding admission requirements for new missions is hereby amended to read as follows:

> e the extent of its ability to support its work, its willingness to conform to the Constitution ~~and Canons~~ of the [illegible] ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the ~~same~~ Diocese

Resolved that Article X 1 regarding Deputies to General Convention is hereby amended to read.

> *Section 1* At an Annual Convention during the triennium between General Conventions, but preceding each General Convention, four Presbyters and four laypersons, having qualifications established by the Constitution ~~and Canons~~ of the Episcopal Church, shall be chosen by ballot to represent the Diocese at the next succeeding General Convention Four other Presbyters and four other laypersons, having the same qualifications, shall be chosen by ballot, as alternates for those selected. Such representatives and alternates shall serve until their successors are elected and qualified

Resolved that Article XI regarding the Trial of Clergyman is hereby amended to read

A clergyman shall be subject to a trial for offences enumerated ~~in the Canons of the General Convention or~~ in the Canons of this Convention, and if found guilty shall be sentenced in accordance therewith. The trial shall be conducted according to the Canons of this Convention

Explanation:

The Diocese of South Carolina, as a founding Diocese of the Episcopal Church, has freely exercised its sovereignty in acceding to the Constitution and Canons of the Episcopal Church.

The demand of this Convention that the Presiding Bishop's office remove legal counsel representing itself as the attorney for the Episcopal Church in South Carolina has met with no response, suggesting continued legal threat from that office.

The changes in the Title IV section of the Canons of The Episcopal Church contradict the Constitution of The Episcopal Church and they represent an unacceptable change in our polity and an indefensible infringement upon the rights to due process of all the clergy of this diocese.

Protection of the sovereignty of the diocese consistent with the Constitution of The Episcopal Church and the right to due process for its clergy requires that accession to the Canons of The Episcopal Church be removed. This change preserves our ability to continue under the Constitution of the Episcopal Church.

Proposed Resolution R-7 2010 Convention Reconvened

Offered by The Standing Committee

Subject: *Article XII - Of Altering the Constitution*

RESOLVED, that Article XII of the Constitution of the Diocese of South Carolina regarding changes to the Constitution is hereby amended to read

> No alteration or amendment of, or addition to this Constitution shall be made unless the same be proposed in writing and in duplicate on the first day of ~~an Annual~~ a Convention and after reference to the Committee on Constitution and Canons, is adopted by a majority vote of the Convention at which it is proposed, and further adopted by a two-thirds vote of both Orders present at the next ~~Annual~~ Convention.

Explanation:

The proposed changes make it possible for Convention to make changes to its Constitution in less time than the one year process encompassed by the current wording of the Article.

DSC-730-09492

Proposed Resolution R-8 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: *Removal of Accession to the Canons of The Episcopal Church*

Resolved, the following Canons of the Diocese of South Carolina are hereby amended to read as follows, removing or qualifying reference to the Canons of The Episcopal Church:

Canon II, Section 1 is hereby amended to read as follows:

> *Section 1.* Whenever not less than ten persons residing in any neighborhood not included within the limits of a Mission or Parish already organized desire to be organized as a Mission, they shall make application to the Bishop in writing, expressing their desire, and promising conformity to the Constitution and Canons, doctrine discipline and worship of the Episcopal Church ~~in the United States and~~ in this Diocese, and to the rules regulating such Missions. They may propose a name for the Mission, and shall state the minimum amount they are able to contribute to the support of the proposed Mission.

Canon III, Section 1 is hereby amended to read as follows:

> *Section 1.* Whenever any organized Mission shall desire to become an organized Parish, it shall make application to the Bishop in writing, which application may state such facts as applicant deems pertinent but it must show (a) the facts of applicant's organization in accordance with the Canons of the Diocese and its continued existence thereunder for at least one year, (b) that its organization has not been dissolved by the Ecclesiastical Authority, (c) the number of adult members and the number of communicants, (d) its willingness to conform to the Constitution ~~and Canons~~ of the General Convention and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the same, and (e) evidence that it is self-supporting and the prospects of remaining so, which evidence of self-support shall include its ability to pay the full salary of its minister at or greater than the minimum salary scale approved by the Department of Missions with the approval of the Bishop. The application must be accompanied by a certified copy of its corporate charter, with the approval of such charter by the Chancellor or the Assistant Chancellor. Said charter must contain the provision that the corporation is formed for the purpose of operating a Parish or Mission, organized pursuant and subject to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina as now in force or as thereafter may be amended, and the further provision that upon being dissolved pursuant to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina, automatically the offices of the Vestry, Wardens, and

other officers of the corporation shall become vacant, and the Standing Committee of the Protestant Episcopal Church in the Diocese of South Carolina shall become the managing body of the corporation, with full power and authority, without restriction, to liquidate the property of the corporation, to sell or mortgage its property or any part thereof, to convey any or all of its property to the Trustees of the Protestant Episcopal Church in South Carolina, and upon complete liquidation to surrender the charter of the corporation.

Canon V, is hereby amended to read as follows:

Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America [illegible] there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years and until his or her successor is nominated and confirmed

Section 2. If any Parish or Mission shall have failed for three successive years to elect a Vestry (if a Parish), or to send a Deputy to the Convention (if in union with the Convention), or to make the reports required by Section 1, Canon 6, Title I of the General Convention [illegible] or to make a financial contribution to the program of the Diocese such Parish or Mission shall be considered dormant, and may be dissolved by the Bishop with the consent of the Standing Committee of the Diocese

Canon VI, Section 2 is hereby amended to read as follows:

Section 2. At least thirty (30) days prior to the annual meeting the Rector shall compile and publish a list of the communicants of the Parish in good standing as defined by the Canons of this Diocese ~~and of the Episcopal Church~~, and shall indicate which are confirmed communicants

Canon IX, Section 2 is hereby amended to read as follows:

Section 2. He shall transmit to each Bishop of the Protestant Episcopal Church in the United States of America, to the Secretary of the House of Deputies of the General ~~Convention~~, and the Secretary of every Diocesan Convention, when desired, a copy of all Journals of the Convention of this Diocese, and to every General Convention, a certified list of the Clergy of the Diocese; and shall perform all other duties devolving upon him by the Canons and Regulations of the General Convention [illegible]

Canon XIII, Section 9.c is hereby amended to read as follows:

c Except as otherwise provided in these Canons, any property impressed with a trust at the time the trustees took title and re-conveyed by the trustees to the diocese shall not be alienated, encumbered, or disposed of without the written consent of the trustees

Canon XXI, Section 3 is hereby amended to read as follows:

Section 3. The Parish designated as the Cathedral Church shall not be deprived of any privileges afforded Parishes under the Constitution and Canons of this Diocese ~~and the Protestant Episcopal Church in the United States of America~~, except as provided in this Canon, nor relieved of any duties or responsibilities imposed upon it hereby; and such Parish shall continue its activities as a separate entity, but shall be known as a Cathedral Parish.

Canon XXII is hereby amended to read as follows:

Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America [illegible], there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years and until his or her successor is nominated and confirmed.

Section 2 The Commission on Ministry hereby established shall have the duties and powers as prescribed by the Canons of the General Convention of the Protestant Episcopal Church in the United States of America [illegible] The Chairman shall be a Presbyter, and both the Chairman and Secretary shall be named annually by the Bishop from among the Commission.

Canon XXVII, is hereby amended to read as follows in the following Sections:

Section 1. Except as provided in Title III, Canon 17, Section 5 of the Canons of The Episcopal Church [illegible], a Rector may not resign as Rector of a Parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of any Parish be removed therefrom by said Vestry against his will, except as hereinafter provided

Section 9.

(1) Statements made during the course of proceedings under this Canon are not admissible in any proceeding under Title IV of the Canons of The Episcopal Church [illegible], and/or Canon XXVIII of this Diocese. This section 8 does not,

however, require the exclusion of evidence in any proceeding under the Canons of this Diocese, or of The Episcopal Church [illegible] which is otherwise discoverable and admissible, merely because it was also presented in proceedings under this Canon.

(2) In the course of proceedings under this Canon, if a charge is made against the Rector that could give rise to a disciplinary proceeding under the Canons of this Diocese or the Episcopal Church [illegible] all proceedings under this Canon shall be stayed until the charge has been resolved or withdrawn.

Canon XXVIII, is hereby amended to read as follows in the following Sections

Section 1.

(11) (a) The Chancellor shall give the members of the Ecclesiastical Court and of the Trial Court his/her opinion as to the procedure required by the Canons for them to organize and comply with the provisions of canon law but shall not directly or indirectly express any opinion as to the facts of the case or the guilt or innocence of the respondent. After a Lay Assessor or Assessors have been appointed, the Chancellor shall have no further communication with the Trial Court, unless specifically asked by the Trial Court to give an opinion on canon law. When requested by the Lay Assessor, Church Attorney, or by counsel for the Respondent, the Chancellor shall give his/her opinion on the meaning or purport of a provision of the Constitutions and Canons of the Diocese and the National Church [illegible]. The Chancellor shall be permitted to attend all open sessions of trials before the Court.

(13) The Trial Court shall be governed by the portion of the Federal Rules of Civil Procedure set forth in Appendix A to Canon IV of the Canons of the Protestant Episcopal Church in the United States (hereinafter "National Canons") [illegible].

Section 4. Of Presentments.

(1) A Presentment to the Ecclesiastical Court may be issued only by the Standing Committee of this diocese as provided in this Canon and in the Canons of the Episcopal Church in the United States [illegible].

(2) A charge against a Priest or Deacon shall be in writing, verified and addressed to the Standing Committee of this diocese and, except as otherwise provided in Title IV of the Episcopal Church in the United States [illegible] if the Priest or Deacon is canonically resident in this diocese.

(3) A Charge may be made as by those persons as provided for in Canon IV. Section 3, of the National Canons [illegible].

Section 5 The Ecclesiastical Trial.

(5) If on or during the trial, the accused shall confess the truth of the charges as stated in the presentment, the Court may dispense with hearing further evidence and proceed to tender judgment; but if he/she shall appear and proceed to trial on the presentment, the Court shall adjudge him/her guilty or not guilty, according to the evidence. If he/she be found guilty, the Court shall declare to the Bishop to what ecclesiastical censure he/she ought, in their judgment, to be subjected. The Lay Advisor shall also inform the accused of his/her right to appeal to the Court of Review as provided for in the National Canons [illegible]

(6) ~~All trials hereunder shall be subject to the National Canons.~~ The Secretary shall keep a record of all of the proceedings, which shall contain a copy of the presentment, specifications, notice to the accused, and his/her answer, with the evidence, both oral and written, and the final judgment of the Court. An attested copy of this record, made out by the Secretary, or by the stenographer and certified by the Secretary, shall be forthwith at the conclusion of the trial delivered to the Bishop, who shall in the consideration thereof be authorized to consult with the Chancellor or to appoint a Lay Adviser with the same authority and same duty as the Lay Adviser of the Court, and obtain from him/her when advisable, an opinion on all matters not theological. The Bishop shall also have the same authority in passing upon all motions for a new trial.

(17) Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Standing Committee for good cause shown that change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another diocese of that Province reasonably convenient for the parties [illegible]. The reasonable expenses of the Alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the Presentment has issued.

Section 6 Inhibitions, Sentences and Appeals

(1) (b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission under Canon IV.2 [illegible] or (ii) after final Judgment by a Trial Court. This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.

(c) (1) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2 [illegible] or (ii) after final Judgment by a Trial Court.

(4) The Suspension of a Member of the Clergy from the exercise of the Sacred Ministry shall terminate the Pastoral Relationship unless the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue. Unless the Pastoral Relationship has been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of National Canon IV 2(ii) [illegible]

(d) (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under National Canon IV.2 [illegible] (ii) after final Judgment by a Trial Court, (iii) when there has been a renunciation under National Canon IV.8 [illegible], (iv) upon the abandonment of the communion of the Church as set forth in National Canons IV 9 and IV 10 [illegible] or (v) by the Presiding Bishop pursuant to National Canon IV 11 3(d) [illegible]

(3) The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) *after the acceptance of a Waiver and Voluntary Submission under National Canon* IV 2 [illegible] (ii) when there has been a renunciation under National Canon IV 8 [illegible] or, (iii) upon the abandonment of the Communion of the Church as set forth in National Canon IV.10 [illegible]

(4) (b) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon IV.2 of the canons of the Episcopal Church in the United States [illegible] Sentence shall be imposed by the Bishop to whom the submission was made.

(c) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon IV 8 [illegible] Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing committee of the Diocese

(d) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV 10 [illegible] Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing committee of the Diocese

(7) The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by a Trial Court, shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim in the manner provided in National Canon IV.14 17 [illegible]

Section 7. General Provisions

(4) Limitations of Actions.

(a) (1) No Presentment shall be made for any Offense specified in National Canon IV 1.1 [illegible] that constitutes (a) Crime, (b) Immorality or (j) Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to ten years immediately preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop except (i) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final (ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years, or (iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Standing Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense, provided, however, in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.

(3) For Offenses, the specifications of which include physical violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on Limitations (National Canon IV 1.4 [illegible] Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998

(b) No Presentment shall issue for any Offense specified in National Canon IV.1 (c), (d), (e), (f), (g) (h) or (i) [illegible] unless the Offense was committed within, or continued up to, two years immediately preceding the time of the Charge is filed with the Standing Committee.

(5) Materiality. In order for the Offenses specified in National Canon IV.1 (d), (e), (f) and (g) [illegible] to be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Standing Committee

Canon XXXV, is hereby amended to read as follows in the following Sections:

Section 4 The Manual shall include at a minimum the following:

a) Outline of procedures for the investigation of allegations of Sexual Misconduct that conform to the disciplinary Canons of the Episcopal Church [illegible] and demonstrate sensitivity to the complainant and seek justice for all parties:

Proposed Resolution R-9 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: Canon XXXVI – *Of the Enactment, Alteration and Repeal of Canons*

Canon XXXVI, is hereby amended to read as follows in the following Sections:

Section 1 No alteration, amendment of or addition to these Canons shall be made unless the same be proposed on the first day of ~~an Annual~~ Convention in writing and in duplicate, and, after reference to the Committee on Constitution and Canons, is adopted by a two-thirds vote of both Orders present at the ~~Annual~~ Convention the proposal is made, PROVIDED, however, if the vote by Orders fails to pass either Order by the required two-thirds vote, but does pass both Orders by a majority vote, then the proposal shall lie over for the consideration of the next ~~Annual~~ Convention and only a majority vote of the next ~~Annual~~ Convention shall be sufficient for its passage.

Explanation:

The proposed changes make it possible for Convention to make changes to its Canons on occasions other than the Annual Convention.

Proposed Resolution R-10 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: Canon XXIX – "Property held in trust"

Resolved, that Section 5 of Canon XXIX be removed.

~~Section 5. All real and personal property held by or for the benefit of any Parish, Mission, or Congregation is held in trust for the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission, or Congregation existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina.~~

Explanation:

The ruling of the South Carolina Supreme Court has established that in this state there is not an implied trust in the property of the parishes of this diocese. Given that ruling, this Section no longer applies and should be removed.

Proposed Resolution R-11 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: Corporate Charter Purpose Statement

Resolved, that the Purpose Statement of the Corporate Charter for the Diocese of South Carolina be amended as follows:

FOURTH The purpose of the said proposed Corporation is to continue ~~the~~ operation ~~of an Episcopal Diocese~~ under the Constitution and Canons of The Protestant Episcopal Church in the ~~United States of America~~ [illegible].

DSC 42 - Packets for Diocesan Conventions B - 2011 Convention (excerpts)

Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403

January 15, 2011

To: Diocesan Convention Delegates

From: Beth Snyder, Convention Coordinator

Re: 220th Diocesan Convention, February 18th & 19th, 2011 (Parish of St. Helena's, Beaufort)

Thank you for your willingness to serve your parish in the important role of Convention Delegate. If you are not able to serve as delegate, kindly forward this packet onto your alternate.
You will find the following in this mailing:

- Welcome Letter from St. Helena's, Beaufort
- Map of St. Helena's (parking is limited, so carpooling is highly recommended)
- Proposed Agenda
- Nominations for Diocesan Elections
- Proposed Resolutions
- Diocesan Convention Committees
- Lodging Suggestions

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT
42-B

The schedule for the day of Convention is as follows:

- Friday, February 18th, 2011
  - 5:00 pm — Service of Holy Eucharist
  - 7:00 pm — Reception in the Parish Hall (following the Eucharist)
- Saturday, February 19th, 2011
  - 7:30 – 8:45 am — Registration in the Parish Hall
  - 9:00 am — Convention Call to Order

Registration Reminder: The cost for this Convention is $50.00/per delegate (or clergy). This cost includes the reception on Friday evening, box lunch on Saturday and additional Convention expenses All delegates MUST be pre-registered in advance. Please check with your Rector or Parish Administrator to ensure that your delegation is registered. You may do so on our website: www.dioceseofsc.org

Telephone (843) 722-4075 • E-mail: ljones@dioceseofsc.org • Fax (843) 723-7628

Proposed Resolution R-1 2011 Diocesan Convention

Offered by: The Standing Committee

Subject: *Amendment of the Constitution of the Diocese of South Carolina*

[2nd Reading]

Resolved that Article I of the Diocese of South Carolina is hereby amended to read as follows:

> The Church in the Diocese of South Carolina accedes to ~~and adopts~~ the Constitution ~~and~~ ~~Canons~~ of the Protestant Episcopal Church in the United States of America. ~~and acknowledges this authority accordingly.~~
>
> In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with or contradictory to the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.

Resolved that Article VIII.1.a.2.e regarding requirements of new parishes is hereby amended to read as follows:

> e. its willingness to conform to the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are, or thereafter may be, enacted by the authority of the ~~same~~ Diocese.

Resolved that Article VIII.1.B.2.e regarding admission requirements for new missions is hereby amended to read as follows:

> e. the extent of its ability to support its work, its willingness to conform to the Constitution ~~and~~ ~~Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the ~~same~~ Diocese

Resolved that Article X.1 regarding Deputies to General Convention is hereby amended to read:

> *Section 1.* At an Annual Convention **during the triennium between General Conventions, but preceding each General Convention,** four Presbyters and four laypersons, having qualifications established by the Constitution ~~and Canons~~ of the Episcopal Church, shall be chosen by ballot to represent the Diocese at the next succeeding General Convention. Four other Presbyters and four other laypersons, having the same qualifications, shall be chosen by ballot, as alternates for those selected. Such representatives and alternates shall serve until their successors are elected and qualified.

Resolved that Article XI regarding the Trial of Clergyman is hereby amended to read:

> A clergyman shall be subject to a trial for offences enumerated ~~in the Canons of the General Convention or~~ in the Canons of this Convention, and if found guilty shall be sentenced in accordance therewith. The trial shall be conducted according to the Canons of this Convention.

Explanation:

The Diocese of South Carolina, as a founding Diocese of the Episcopal Church, has freely exercised its sovereignty in acceding to the Constitution and Canons of the Episcopal Church.

The changes in the Title IV section of the Canons of The Episcopal Church contradict the Constitution of The Episcopal Church and represent both an unacceptable change in our polity and an indefensible infringement upon the due process rights of all the clergy of this Diocese.

Protection of the sovereignty of the Diocese, consistent with the Constitution of The Episcopal Church and the right to due process for its clergy, requires that accession to the Canons of The Episcopal Church be removed. This change preserves our ability to continue under the Constitution of the Episcopal Church.

DSC 42 - Packets for Diocesan Conventions D - November 2012 Convention (excerpts)

Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403

October 17, 2012

To: Clergy in Charge of Congregations & Senior Wardens of Vacant Cures

From: Beth Snyder, Convention Coordinator

Re: Notice of Special Convention, November 17th, 2012

Enclosed you will find the following:

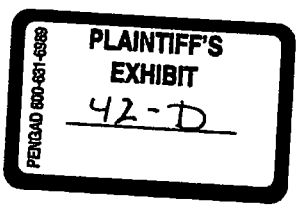
- Notice of Special Convention
- Certification and Registration Information
- Copy of Your Certificate from 221st Convention
- Parking Map

The schedule for the day of Convention is as follows:

- Location: St. Philip's Church, 142 Church Street, Charleston, SC
- Date: Saturday, November 17th, 2012
  - 8:30 – 9:45 am Registration in Parish Hall (coffee & continental provided)
  - 10:00 am Call to Convention (St. Philip's Sanctuary)

Registration : $40.00/per lay delegate/clergy/visitor. You may do so on our website: www.dioceseofsc.org follow the link to CONVENTION-SPECIAL

If I can assist you in this process, please contact me at the Diocesan House, 843-722-4075 or email bsnyder@dioceseofsc.org



Telephone (843) 722-4075 • E-mail: ljones@dioceseofsc.org • Fax (843) 723-7628

DSC-730-09543

Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403

NOTICE OF SPECIAL CONVENTION

Please take notice that there will be a Special Meeting of the Convention

at St. Philip's Church, Saturday November 17th, 2012.

The business to be transacted at this meeting shall be the nature of an appropriate response to the recent actions taken against Bishop Mark Lawrence by the Presiding Bishop of the Episcopal Church, to include any relevant constitutional and/or canonical changes.

Telephone (843) 722-4075 • E-mail: ljones@dioceseofsc.org • Fax (843) 723-7628

DSC 42 - Packets for Diocesan Conventions E - 2013 Convention (excerpts)

Making Biblical Anglicans for a Global Age

222nd Diocesan Convention

March 8th and 9th, 2013

Dear Convention Delegates and Clergy:

You are receiving this electronic notice that the Convention Packet has been posted on our Diocesan website, [illegible]. Know that a "hard copy" of the packet is being mailed to you next week.

Click on the link below to view an electronic version of your packet for the 222nd Convention of the Diocese of South Carolina:

- Welcome Letter from hosting parishes
- Convention Schedule
- Proposed Agenda
- Lodging Information
- Proposed Resolutions R-1 and R-2
- Diocesan Convention Committees
- Convention Election Nominations
- Convention Workshops
- Proposed Diocesan Budget

Note: Packets cannot be mailed to parishes who have not yet certified their delegation. To download the certificate, click here: [illegible]

Please contact me if we can answer any of your Convention questions. [illegible] or call the Diocesan House at 843-722-4075.

PLAINTIFF'S EXHIBIT 42-E

PENGAD 800-631-6989

DSC-730-09547

Proposed Resolution R-1 **222nd Diocesan Convention, March 8 & 9, 2013**

Offer By: The Standing Committee

Subject: Amendment of the Constitution of the Diocese of South Carolina [2nd Reading]

Resolved, that the Constitution of the Diocese of South Carolina be, and the same is hereby amended, as set forth in the attached copy of the Constitution.

DSC-730-09552

DIOCESE OF SOUTH CAROLINA

CONSTITUTION

~~ARTICLE I~~

~~The Church in the Diocese of South Carolina accedes to the Constitution of the Protestant Episcopal Church in the United States of America. In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.~~

ARTICLE II
Of Diocesan Convention Meetings

Section 1. A Diocesan Convention shall be held annually, at such time and place as shall have been determined upon by the preceding Convention; or, on failure of the Convention so to determine, at such time and place as the Ecclesiastical Authority shall appoint.

Section 2. The Ecclesiastical Authority of the Diocese shall have power to call a special meeting of the Convention by giving at least thirty (30) days' notice to every clergyman entitled to a seat in the Convention, and to every Parish and Mission in the Diocese in union with the Convention, and such meeting shall be held when and where the Authority so calling it shall determine and at such meeting no other business shall be transacted than that specified in the notice so calling said meeting: PROVIDED, That whenever a special meeting of Convention is called for the purpose, in whole or in part, of electing a Bishop, Bishop Coadjutor, or Suffragan Bishop, Lay Deputies from the several Parishes and organized Missions in union with Convention shall be elected after the call has been issued for such special meeting.

Section 3. If, in the judgment of the Ecclesiastical Authority, there exists sufficient cause to require a change of time or place for the meeting of a Convention either annual or special, the said Authority may designate another time or place of holding such meeting, to be held within 30 days after the time originally designated and after notice to every clergyman and Parish and Mission in the Diocese.

ARTICLE III
Of Diocesan Convention Members

Section 1. The Convention shall be composed of clergymen and laypersons, as hereinafter provided.

Section 2. The following shall be entitled to all of the privileges as members of the Convention: The Bishop of this Diocese; the Retired Bishops of the Diocese; the Bishop Coadjutor of the Diocese, when there is one; Suffragan Bishops of this Diocese, if there be any; ~~the Archdeacon of the Diocese, if Non-Parochial,~~ every clergyman who is actually and canonically resident within the Diocese and discharging the duties of his station as Rector, Minister, or Assistant Minister of an organized Parish or organized Mission; and every clergyman, who, after a continued membership of at least twenty years in the Convention is incapacitated by the infirmities of health or age from further active duties of the ministry, and is canonically and actually resident in the Diocese. The following shall also be entitled to all the privileges as members of the Convention: every clergyman canonically resident in the Diocese who is employed either by the Diocese or actively engaged in the work of the Church in the Diocese or at its affiliated institutions, PROVIDED, that no vote shall be received from any clergyman who has failed to deliver the Parochial Report required by Section 4 of Canon XXV by February first (1) preceding the Convention,

DSC-730-09553

DSC 44 D - Resolution R-6 (from Diocese's Oct. 2010 Convention)

Proposed Resolution R-6 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: *Amendment of the Constitution of the Diocese of South Carolina*

Resolved that Article I of the Diocese of South Carolina is hereby amended to read as follows:

> The Church in the Diocese of South Carolina accedes to ~~and adopts~~ the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States of America. ~~and acknowledges this authority accordingly.~~
>
> In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail.

Resolved that Article VIII.1.a.2.e regarding requirements of new parishes is hereby amended to read as follows:

> e. its willingness to conform to the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are, or thereafter may be, enacted by the authority of the ~~same~~ Diocese.

Resolved that Article VIII.1.B.2.e regarding admission requirements for new missions is hereby amended to read as follows:

> e. the extent of its ability to support its work, its willingness to conform to the Constitution ~~and Canons~~ of the Protestant Episcopal Church in the United States ~~General Convention~~ and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the ~~same~~ Diocese

Resolved that Article X.1 regarding Deputies to General Convention is hereby amended to read:

> *Section 1.* At an Annual Convention **during the triennium between General Conventions, but preceding each General Convention,** four Presbyters and four laypersons, having qualifications established by the Constitution ~~and Canons~~ of the Episcopal Church, shall be chosen by ballot to represent the Diocese at the next succeeding General Convention. Four other Presbyters and four other laypersons, having the same qualifications, shall be chosen by ballot, as alternates for those selected. Such representatives and alternates shall serve until their successors are elected and qualified.

PENGAD 800-631-6989

PLAINTIFF'S EXHIBIT 44-D

Resolved that Article XI regarding the Trial of Clergyman is hereby amended to read:

> A clergyman shall be subject to a trial for offences enumerated ~~in the Canons of the General Convention or~~ in the Canons of this Convention, and if found guilty shall be sentenced in accordance therewith. The trial shall be conducted according to the Canons of this Convention.

Explanation:

The Diocese of South Carolina, as a founding Diocese of the Episcopal Church, has freely exercised its sovereignty in acceding to the Constitution and Canons of the Episcopal Church.

The demand of this Convention that the Presiding Bishop's office remove legal counsel representing itself as the attorney for the Episcopal Church in South Carolina has met with no response, suggesting continued legal threat from that office.

The changes in the Title IV section of the Canons of The Episcopal Church contradict the Constitution of The Episcopal Church and they represent an unacceptable change in our polity and an indefensible infringement upon the rights to due process of all the clergy of this diocese.

Protection of the sovereignty of the diocese consistent with the Constitution of The Episcopal Church and the right to due process for its clergy requires that accession to the Canons of The Episcopal Church be removed. This change preserves our ability to continue under the Constitution of the Episcopal Church.

DSC 44 E - Resolution R-8 (from Diocese's Oct. 2010 Convention)

Proposed Resolution R-8 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: *Removal of Accession to the Canons of The Episcopal Church*

Resolved , the following Canons of the Diocese of South Carolina are hereby amended to read as follows, removing or qualifying reference to the Canons of The Episcopal Church:

Canon II, Section 1 is hereby amended to read as follows:

> *Section 1.* Whenever not less than ten persons residing in any neighborhood not included within the limits of a Mission or Parish already organized desire to be organized as a Mission, they shall make application to the Bishop in writing, expressing their desire, and promising conformity to the Constitution and Canons, doctrine, discipline and worship of the Episcopal Church ~~in the United States and~~ in this Diocese, and to the rules regulating such Missions. They may propose a name for the Mission, and shall state the minimum amount they are able to contribute to the support of the proposed Mission.

Canon III, Section 1 is hereby amended to read as follows:

> *Section 1.* Whenever any organized Mission shall desire to become an organized Parish, it shall make application to the Bishop in writing, which application may state such facts as applicant deems pertinent; but it must show (a) the facts of applicant's organization in accordance with the Canons of the Diocese and its continued existence thereunder for at least one year, (b) that its organization has not been dissolved by the Ecclesiastical Authority, (c) the number of adult members and the number of communicants, (d) its willingness to conform to the Constitution ~~and Canons~~ of the General Convention and the Constitution and Canons of the Convention of this Diocese, which are then, or thereafter may be, enacted by the authority of the same, and (e) evidence that it is self-supporting and the prospects of remaining so, which evidence of self-support shall include its ability to pay the full salary of its minister at or greater than the minimum salary scale approved by the Department of Missions with the approval of the Bishop. The application must be accompanied by a certified copy of its corporate charter, with the approval of such charter by the Chancellor or the Assistant Chancellor. Said charter must contain the provision that the corporation is formed for the purpose of operating a Parish or Mission, organized pursuant and subject to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina as now in force or as thereafter may be amended, and the further provision that upon being dissolved pursuant to the Canons of the Protestant Episcopal Church in the Diocese of South Carolina, automatically the offices of the Vestry, Wardens, and

PLAINTIFF'S EXHIBIT 44-e
PENGAD 800-631-6989

other officers of the corporation shall become vacant, and the Standing Committee of the Protestant Episcopal Church in the Diocese of South Carolina shall become the managing body of the corporation, with full power and authority, without restriction, to liquidate the property of the corporation, to sell or mortgage its property or any part thereof, to convey any or all of its property to the Trustees of the Protestant Episcopal Church in South Carolina, and upon complete liquidation to surrender the charter of the corporation.

Canon V, is hereby amended to read as follows:

Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America (2006) there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years and until his or her successor is nominated and confirmed.

Section 2. If any Parish or Mission shall have failed for three successive years to elect a Vestry (if a Parish), or to send a Deputy to the Convention (if in union with the Convention), or to make the reports required by Section 1, Canon 6, Title I of the General Convention (2006), or to make a financial contribution to the program of the Diocese, such Parish or Mission shall be considered dormant, and may be dissolved by the Bishop with the consent of the Standing Committee of the Diocese.

Canon VI, Section 2 is hereby amended to read as follows:

Section 2. At least thirty (30) days prior to the annual meeting the Rector shall compile and publish a list of the communicants of the Parish in good standing as defined by the Canons of this Diocese ~~and of the Episcopal Church~~, and shall indicate which are confirmed communicants.

Canon IX, Section 2 is hereby amended to read as follows:

Section 2. He shall transmit to each Bishop of the Protestant Episcopal Church in the United States of America, to the Secretary of the House of Deputies of the General Convention, and the Secretary of every Diocesan Convention, when desired, a copy of all Journals of the Convention of this Diocese, and to every General Convention, a certified list of the Clergy of the Diocese; and shall perform all other duties devolving upon him by the Canons and Regulations of the General Convention (2006).

Canon XIII, Section 9.c is hereby amended to read as follows:

c. Except as otherwise provided in these Canons, any property impressed with a trust at the time the trustees took title and re-conveyed by the trustees to the diocese shall not be alienated, encumbered, or disposed of without the written consent of the trustees.

Canon XXI, Section 3 is hereby amended to read as follows:

Section 3. The Parish designated as the Cathedral Church shall not be deprived of any privileges afforded Parishes under the Constitution and Canons of this Diocese ~~and the Protestant Episcopal Church in the United States of America~~, except as provided in this Canon, nor relieved of any duties or responsibilities imposed upon it hereby; and such Parish shall continue its activities as a separate entity, but shall be known as a Cathedral Parish.

Canon XXII is hereby amended to read as follows:

Section 1. Pursuant to the Canons of General Convention of the Protestant Episcopal Church in the United States of America (2006) there is hereby established a Commission on Ministry in the Diocese of South Carolina, consisting of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years and until his or her successor is nominated and confirmed.

Section 2. The Commission on Ministry hereby established shall have the duties and powers as prescribed by the Canons of the General Convention of the Protestant Episcopal Church in the United States of America (2006). The Chairman shall be a Presbyter, and both the Chairman and Secretary shall be named annually by the Bishop from among the Commission.

Canon XXVII, is hereby amended to read as follows in the following Sections:

Section 1. Except as provided in Title III, Canon 17, Section 5 of the Canons of The Episcopal Church (2006), a Rector may not resign as Rector of a Parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of any Parish be removed therefrom by said Vestry against his will, except as hereinafter provided.

Section 9.

(1) Statements made during the course of proceedings under this Canon are not admissible in any proceeding under Title IV of the Canons of The Episcopal Church (2006) and/or Canon XXVIII of this Diocese. This section 8 does not,

however, require the exclusion of evidence in any proceeding under the Canons of this Diocese, or of The Episcopal Church (2006) which is otherwise discoverable and admissible, merely because it was also presented in proceedings under this Canon.

(2) In the course of proceedings under this Canon, if a charge is made against the Rector that could give rise to a disciplinary proceeding under the Canons of this Diocese or the Episcopal Church (2006), all proceedings under this Canon shall be stayed until the charge has been resolved or withdrawn.

Canon XXVIII, is hereby amended to read as follows in the following Sections:

Section 1.

(11) (a) The Chancellor shall give the members of the Ecclesiastical Court and of the Trial Court his/her opinion as to the procedure required by the Canons for them to organize and comply with the provisions of canon law but shall not directly or indirectly express any opinion as to the facts of the case or the guilt or innocence of the respondent. After a Lay Assessor or Assessors have been appointed, the Chancellor shall have no further communication with the Trial Court, unless specifically asked by the Trial Court to give an opinion on canon law. When requested by the Lay Assessor, Church Attorney, or by counsel for the Respondent, the Chancellor shall give his/her opinion on the meaning or purport of a provision of the Constitutions and Canons of the Diocese and the National Church (2006). The Chancellor shall be permitted to attend all open sessions of trials before the Court.

(13) The Trial Court shall be governed by the portion of the Federal Rules of Civil Procedure set forth in Appendix A to Canon IV of the Canons of the Protestant Episcopal Church in the United States (hereinafter "National Canons") (2006).

Section 4. Of Presentments.

(1) A Presentment to the Ecclesiastical Court may be issued only by the Standing Committee of this diocese as provided in this Canon and in the Canons of the Episcopal Church in the United States (2006).

(2) A charge against a Priest or Deacon shall be in writing, verified and addressed to the Standing Committee of this diocese and, except as otherwise provided in Title IV of the Episcopal Church in the United States (2006). if the Priest or Deacon is canonically resident in this diocese.

(3) A Charge may be made as by those persons as provided for in Canon IV, Section 3, of the National Canons (2006).

Section 5. The Ecclesiastical Trial.

(5) If on or during the trial, the accused shall confess the truth of the charges as stated in the presentment, the Court may dispense with hearing further evidence and proceed to tender judgment; but if he/she shall appear and proceed to trial on the presentment, the Court shall adjudge him/her guilty or not guilty, according to the evidence. If he/she be found guilty, the Court shall declare to the Bishop to what ecclesiastical censure he/she ought, in their judgment, to be subjected. The Lay Advisor shall also inform the accused of his/her right to appeal to the Court of Review as provided for in the National Canons (2006).

(6) ~~All trials hereunder shall be subject to the National Canons.~~ The Secretary shall keep a record of all of the proceedings, which shall contain a copy of the presentment, specifications, notice to the accused, and his/her answer, with the evidence, both oral and written, and the final judgment of the Court. An attested copy of this record, made out by the Secretary, or by the stenographer and certified by the Secretary, shall be forthwith at the conclusion of the trial delivered to the Bishop, who shall in the consideration thereof be authorized to consult with the Chancellor or to appoint a Lay Adviser with the same authority and same duty as the Lay Adviser of the Court, and obtain from him/her when advisable, an opinion on all matters not theological. The Bishop shall also have the same authority in passing upon all motions for a new trial.

(17) Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Standing Committee for good cause shown that change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another diocese of that Province reasonably convenient for the parties with the consent of that Diocese. The reasonable expenses of the Alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the Presentment has issued.

Section 6. Inhibitions, Sentences and Appeals.

(1) (b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission under Canon IV.2 (2006), or (ii) after final Judgment by a Trial Court. This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.

(c) (1) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2 (2006), or (ii) after final Judgment by a Trial Court.

(4) The Suspension of a Member of the Clergy from the exercise of the Sacred Ministry shall terminate the Pastoral Relationship unless the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue. Unless the Pastoral Relationship has been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of National Canon IV.2(ii) (2006).

(d) (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission under National Canon IV.2 (2006), (ii) after final Judgment by a Trial Court, (iii) when there has been a renunciation under National Canon IV.8 (2006), (iv) upon the abandonment of the communion of the Church as set forth in National Canons IV.9 and IV.10 (2006), or (v) by the Presiding Bishop pursuant to National Canon IV.11.3(d) (2006).

(3) The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) *after the acceptance of a Waiver and Voluntary Submission under National Canon* IV.2 (2006) (ii) when there has been a renunciation under National Canon IV.8 (2006), or, (iii) upon the abandonment of the Communion of the Church as set forth in National Canon IV.10 (2006).

(4) (b) If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon IV.2 of the canons of the Episcopal Church in the United States (2006), Sentence shall be imposed by the Bishop to whom the submission was made.

(c) If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon IV.8 (2006), Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing committee of the Diocese.

(d) If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV.10 (2006), Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing committee of the Diocese.

(7) The Bishop who is to pronounce Sentence upon a Priest or Deacon, after final Judgment by a Trial Court, shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim in the manner provided in National Canon IV.14.17 (2006).

Section 7. General Provisions

(4) Limitations of Actions.

(a) (1) No Presentment shall be made for any Offense specified in National Canon IV.1.1 (2006) that constitutes (a) Crime, (b) Immorality or (j) Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to ten years immediately preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop except: (i) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final; (ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years; or (iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Standing Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense, provided, however, in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.

(3) For Offenses, the specifications of which include physical violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on Limitations (National Canon IV.1.4 (2006). Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998.

(b) No Presentment shall issue for any Offense specified in National Canon IV.1.1. (c), (d), (e), (f), (g), (h) or (i) (2006) unless the Offense was committed within, or continued up to, two years immediately preceding the time of the Charge is filed with the Standing Committee.

(5) Materiality. In order for the Offenses specified in National Canon IV.1.1. (d), (e), (f) and (g) (2006) to be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Standing Committee.

Canon XXXV, is hereby amended to read as follows in the following Sections:

Section 4. The Manual shall include at a minimum the following:

a) Outline of procedures for the investigation of allegations of Sexual Misconduct that conform to the disciplinary Canons of the Episcopal Church (2006) and demonstrate sensitivity to the complainant and seek justice for all parties;

DSC 44 F - Resolutions R-10 and R-11 (from Diocese's Oct. 2010 Convention)

Proposed Resolution R-10 2010 Convention Reconvened

Offered by: The Standing Committee

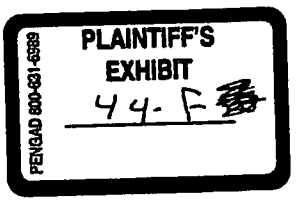
Subject: Canon XXIX – "Property held in trust"

Resolved, that Section 5 of Canon XXIX be removed.

~~*Section 5.* All real and personal property held by or for the benefit of any Parish, Mission, or Congregation is held in trust for the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina. The existence of this trust, however, shall in no way limit the power and Authority of the Parish, Mission, or Congregation existing over such property so long as the particular Parish, Mission, or Congregation remains a part of, and subject to, the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina.~~

Explanation:

The ruling of the South Carolina Supreme Court has established that in this state there is not an implied trust in the property of the parishes of this diocese. Given that ruling, this Section no longer applies and should be removed.



Proposed Resolution R-11 2010 Convention Reconvened

Offered by: The Standing Committee

Subject: Corporate Charter Purpose Statement

Resolved, that the Purpose Statement of the Corporate Charter for the Diocese of South Carolina be amended as follows:

FOURTH: The purpose of the said proposed Corporation is to continue ~~the~~ operation ~~of an Episcopal Diocese~~ under the Constitution and Canons of The Protestant Episcopal Church in the ~~United States of America~~ Diocese of South Carolina.

DSC 45 - Selected Materials from November 2012 Convention
A - Resolution R-1

Proposed Resolution R-1 2012 Special Diocesan Convention

Offered By: The Following Clergy of the Diocese

Fitzsimmons Allison
Prince George, Georgetown
Mike Clarkson
Church of Our Saviour
Peet Dickinson
TheCathedral
David Dubay
Holy Trinity, Charleston
Ted Duvall
Christ Church, Mt. Pleasant
Hal Fenters
Trinity,Pinopolis
Paul Fuener
Prince George Winyah
Shay Gaillard
Good Shepherd, Charleston
Jimmy Gallant
St.Paul's,Orangeburg
Fred Gough
St.Barnabas,Dillon
Greg Snyder
St. John's, Johns Island
David Thurlow
St. Matthias, Summerton
Ken Weldon
St. John's, Florence

John Barr
Holy Comforter, Sumter
Craige Borrett
Christ St. Paul's, YongesIsland
John Bowden
Redeemer, Pineville
Iain Boyd
Trinity, Myrtle Beach
Karl Burns
All Saints, Florence
Wey Camp
Trinity, Edisto
Chris Warner
HolyCross, Sullivan'sIsland
Thomas Hendrickson
Epiphany, Eutawville
Robert Horn
Holy Trinity, Grahamville
Bob Horowitz
St. Jude's, Walterboro
Michael Hub
St. Matthews, Fort Motte
Tripp Jeffords
St. Paul's, Conway
Arthur Jenkins
St. James, Charleston

Greg Kronz
St. Luke's, Hilton Head Island
Frank Larisey
Redeemer, Orangeburg
Mike Lumpkin
St. Paul's, Summerville
Haden McCormick
St. Philips, Charleston
Jeff Miller
Parish Church of St. Helena, Beaufort
Andrew O'Dell
St. Matthews, Hartsville
Charles Owens
Church of the Cross, Bluffton
Michael Ridgill
St. Bartholomew's, Hartsville
Al Zadig
St. Michael's, Charleston
Dallas Wilson
St. John's Chapel, Charleston
Tom Woodle
The Well, Myrtle Beach

Subject: Affirmation of the Actions of the Bishop and the Standing Committee

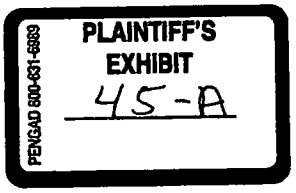
Whereas, The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese") has been in existence since 1785 and has from time to time additionally called herself, and been known variously as, The Protestant Episcopal Church in South Carolina, The Protestant Episcopal Diocese of South Carolina, The Protestant Episcopal Church in the State of South Carolina, The Episcopal Diocese of South Carolina and the Diocese of South Carolina; and

Whereas the Diocese continues to be additionally called and known today as the Diocese of South Carolina and The Episcopal Diocese of South Carolina; and

Whereas The Protestant Episcopal Church in the Diocese of South Carolina and such additional names as are immediately set forth above and its seal have been recognized by the South Carolina Secretary of State as protected marks of this Diocese;

Whereas, this Diocese held its first convention on May 12, 1785 in Charleston, and has met annually and as specially called since then; and

Whereas, this Diocese adopted its first Constitution in 1786; and



Whereas, this Diocese preexisted the formation of The Episcopal Church ("TEC") in 1789 and was one of its founders; and

Whereas, this Diocese has from time to time joined with, and withdrawn from, other associations as a member including TEC, the Church in the Confederate States and the Anglican Communion Network; and

Whereas, the Standing Committee of the Diocese, in a resolution passed and adopted on October 2, 2012, in the exercise of its rightful authority under the governing instruments of the Diocese, disaffiliated with TEC by withdrawing the Diocese's accession to the Constitution of, and its membership in, TEC; and

Whereas, the Disciplinary Board for Bishops of TEC claims that it certified on September 18, 2012 that our Bishop, the Rt. Rev. Mark J. Lawrence, had abandoned the TEC; and

Whereas, the Presiding Bishop, the Most Rev. Katharine Jefferts Schori, informed Bishop Lawrence of that alleged action on October 15, 2012; and

Whereas, these actions were taken in accordance with certain national Canons that are unconstitutional, that are being reconsidered by resolution of the General Convention 2012, and that are not in any event applicable to this Diocese; and

Whereas, repeated actions taken by the leadership and General Convention of TEC have been in violation of their own Constitution and Canons, have been repugnant to the plain teachings of Scripture and are therefore heretical, and have been out of order with historic Christian faith and practice; therefore be it

Resolved, that we, the Convention of this Diocese, at this Special Convention duly called by the Ecclesiastical Authority of the Diocese hereby declare that we concur in the decision of the Standing Committee that we are no longer in any relationship with TEC, including union or association with in any capacity, and we declare her rightful Bishop to be the Rt. Rev. Mark J. Lawrence. By stating this, we declare that as God has sent Bishop Lawrence to be our Bishop, only He has the authority to declare otherwise; and be it

Further Resolved, that the Convention of this Diocese repudiates the actions of TEC purportedly taken against our Bishop and declare null and void any claim by any member or representative of TEC to have any authority whatsoever over this Diocese or any authority over God's congregation at any of her parishes who willingly by their presence at this Convention and their vote on this resolution so declare.

DSC 45 - Selected Materials from November 2012 Convention
B -Handout "On the Diocese of South Carolina's Withdrawal from the Episcopal Church"

On The Diocese of South Carolina's Withdrawal from the Episcopal Church

The question whether a diocese can legally withdraw from The Episcopal Church can be addressed from the perspectives of both civil law and canon law. The South Carolina Supreme Court has ruled that issues of control of South Carolina corporations, which is what the diocese has been since it was incorporated in 1973, are governed by neutral principles of civil law. So here are five points from the perspective of civil law.

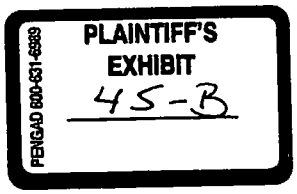
First, The Episcopal Church was formed in 1789 pursuant to its Constitution as a "voluntary association," a form of legal entity that has its own legal framework.

Second, the constituent members of this association are dioceses, each of which had its own distinct legal personality prior to joining TEC. The Diocese of South Carolina was a duly constituted and distinct legal entity, independent of all other Episcopal churches in the United States, prior to its joining the association comprising TEC as a founding member in 1789. Importantly, when the Diocese joined the association comprising TEC it was not dissolved as a separate legal entity and merged into TEC; *it continued to operate under the same constitution that it had before joining TEC and continued to maintain its separate legal personality.* In 1973, the Diocese voted to change its legal structure from that of an association to become a South Carolina corporation, a status that it maintains to this day. As a matter of law, inseparable parts of an indivisible, unitary whole cannot become South Carolina corporations. To be a corporation is to be a distinct legal entity.

Third, it is a settled rule of association law that a member is free to withdraw at any time absent an agreement to the contrary. There are no restrictions on withdrawal of dioceses in TEC's Constitution.

Fourth, freedom of association, like the free exercise of religion, is a constitutional right protected by the First Amendment. As a religious society that pre-existed TEC, the Diocese enjoys distinct free exercise and associational rights that were not extinguished by its associating with other member dioceses to form The Episcopal Church. The leading legal experts on association law acting under the auspices of the American Bar Association have expressed the opinion that any restrictions in an association's constitution attempting to prevent member withdrawal would be unenforceable on public policy and constitutional grounds in light of these First Amendment rights. Although there are no such restrictions in TEC's Constitution, this remains an important principle of association and constitutional law that would render moot any attempt by TEC to suggest there is some implicit restriction on withdrawal in the provisions of the Constitution.

Fifth, the Presiding Bishop refers to dioceses in the Philippines and Africa that have withdrawn in the past with the consent of General Convention. Those examples have no bearing on whether



TEC could prevent a diocese protected by U.S. law from withdrawing without such consent. As I have just shown, it could not.

As to the canon law issues, there are also five points.

First, as already noted there is no provision in TEC's Constitution that forbids diocese withdrawal.

Second, in light of this fact, all TEC can point to is a provision adopted in the 1980's requiring new dioceses joining TEC to give an unqualified accession to TEC's constitution and canons. It argues this means that an accession and subsequent association membership are irrevocable and that this provision is applicable to all dioceses notwithstanding its explicit limitation to new dioceses. The Diocese of South Carolina joined the association long before this provision was adopted and has never given an accession understood in these terms.

Third, this interpretation fails in any event. It is an elementary principle of law that all acceptances of any contract, including joining any association, must be unqualified or unconditional at the time of joining in order to form a contract. If that made membership in an association or a contract irrevocable, no one could ever withdraw from an association or terminate a contract. The settled law provides otherwise.

Fourth, the understanding that an unqualified accession is not irrevocable is also consistent with the practice of The Episcopal Church itself when it made an unqualified accession to the constitution of the Anglican Consultative Council in terms strikingly similar to those used by the Diocese in making its accession to the general Constitution. The Episcopal Church has always asserted its complete legal autonomy from the Anglican Communion and its official bodies.

Fifth, as previously stated, even if there were an explicit provision forbidding diocese withdrawal, it would not be enforceable in the courts on constitutional grounds.

This is a summary of the final and binding interpretation issued by Bishop Lawrence in his capacity as Ecclesiastical Authority of the Diocese.

DSC 45 - Selected Materials from November 2012 Convention
C - Resolution R-2

Proposed Resolution R-2 **2012 Special Diocesan Convention**

Offer By: The Standing Committee

Subject: Amendment of the Constitution of the Diocese of South Carolina [1st Reading]

Resolved, that the Constitution of the Diocese of South Carolina be, and the same is hereby amended, as set forth in the attached copy of the Constitution.

DSC 45 - Selected Materials from November 2012 Convention
D - Resolution R-3

Proposed Resolution R-3 **2012 Special Diocesan Convention**

Offer By: The Standing Committee

Subject: Amendment of the Canons of the Diocese of South Carolina

Resolved, that the Canons of the Diocese of South Carolina be, and the same is hereby amended, as set forth in the attached copy of the Canons.

DSC 46 - State Trademark Registrations

The State of South Carolina

TRADEMARK REGISTRATION

SERVICE MARK REGISTRATION

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

The Protestant Episcopal Church in the Diocese of South Carolina
126 Coming Street
Charleston, SC 29403-

Description: The mark consists of the seal of an oval cartouche containing a shield quartered by a red Latin Cross. Included in each quarter is: a lighted candle upon a candlestick; a pelican; palmetto tree; and crossed swords. Also shown is a bishop's mitre; a key; and the head of a staff. Bordering the top portion of the shield are the words "The Diocese of South Carolina" along with the original Greek translation along the bottom.

Date of First Use in South Carolina: 7/1/1869
Class of Goods or Services: Service mark class #8

Registration Date: 11/5/2010
If an Entity, Organized under the Laws of South Carolina

Date of First Use: 7/1/1869
Description of Goods or Services: Religious services, namely ministerial, evangelical and missionary services
Expiration Date: 11/5/2015

Given under my hand and Great Seal of the State of South Carolina on November 8, 2010

Mark Hammond

Mark Hammond, Secretary of State

PLAINTIFF'S EXHIBIT 46

PENGAD 800-631-6989

The State of South Carolina

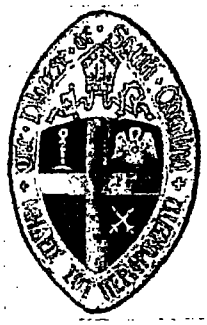
TRADEMARK REGISTRATION

SERVICE MARK REGISTRATION

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

The Protestant Episcopal Church in the Diocese of South Carolina
126 Coming Street
Charleston, SC 29403-



Date of First Use in South Carolina: 7/1/1911
Class of Goods or Services: Service mark class #8

Registration Date: 11/24/2010
If an Entity, Organized under the Laws of South Carolina

Description: The mark consists of an oval cartouche with a shield quartered by a Latin Cross in white. In each quarter is: a lighted candle upon a golden candlestick w/ red background; a pelican w/ blue background; palmetto tree w/ blue background; and crossed swords w/ red background. Also shown is a gold bishop's mitre on white background; a gold key; and gold head of a staff. Bordering the top portion of the shield are the words in gold "The Diocese of South Carolina" along with the original Greek translation along the bottom.

Date of First Use: 7/1/1911
Description of Goods or Services: Religious services, namely ministerial, evangelical and missionary services
Expiration Date: 11/24/2015

Given under my hand and Great Seal of the State of South Carolina on November 24, 2010

Mark Hammond

Mark Hammond, Secretary of State

The State of South Carolina

TRADEMARK REGISTRATION

SERVICE MARK REGISTRATION

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

The Protestant Episcopal Church in the Diocese of South Carolina
126 Coming Street
Charleston, SC 29403-

The Episcopal Diocese of South Carolina

Description: The mark consists of the words "The Episcopal Diocese of South Carolina"

Date of First Use in South Carolina: 7/1/1997
Class of Goods or Services: Service mark class #8

Registration Date: 11/5/2010
If an Entity, Organized under the Laws of South Carolina

Date of First Use: 7/1/1997
Description of Goods or Services: Religious services, namely ministerial, evangelical and missionary services
Expiration Date: 11/5/2015

Given under my hand and Great Seal of the State of South Carolina on November 8, 2010

Mark Hammond

Mark Hammond, Secretary of State

The State of South Carolina

TRADEMARK REGISTRATION

SERVICE MARK REGISTRATION

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

The Protestant Episcopal Church in the Diocese of South Carolina
126 Coming Street
Charleston, SC 29403-

The Diocese of South Carolina

Description: The mark consists of the words "The Diocese of South Carolina"

Date of First Use in South Carolina: 7/1/1930
Class of Goods or Services: Service mark class #8

Registration Date: 11/5/2010
If an Entity, Organized under the Laws of South Carolina

Date of First Use: 7/1/1930
Description of Goods or Services: Religious services, namely ministerial, evangelical and missionary services
Expiration Date: 11/5/2015

Given under my hand and Great Seal of the State of South Carolina on November 8, 2010

Mark Hammond

Mark Hammond, Secretary of State

The State of South Carolina

TRADEMARK REGISTRATION

SERVICE MARK REGISTRATION

Office of Secretary of State Mark Hammond

I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:

The Protestant Episcopal Church in the Diocese of South Carolina
126 Coming Street
Charleston, SC 29403-

The Protestant Episcopal Church in the Diocese of South Carolina

Description: The mark consists of the words "The Protestant Episcopal Church in the Diocese of South Carolina"

Date of First Use in South Carolina: 7/1/1821
Class of Goods or Services: Service mark class #8

Registration Date: 11/5/2010
If an Entity, Organized under the Laws of South Carolina

Date of First Use: 7/1/1821
Description of Goods or Services: Religious services, namely ministerial, evangelical and missionary services
Expiration Date: 11/5/2015

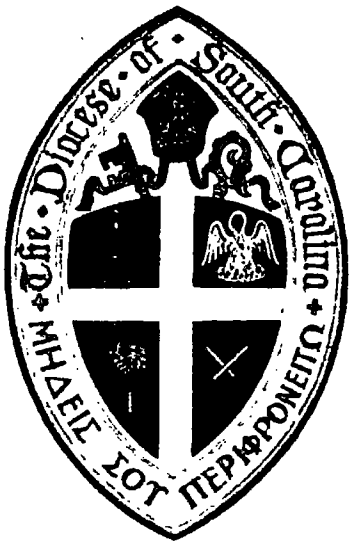
Given under my hand and Great Seal of the State of South Carolina on November 8, 2010

Mark Hammond

Mark Hammond, Secretary of State

DSC 47 - Seal of the Diocese

Seal of the Diocese of South Carolina



The Diocese of South Carolina

The Seal of the Diocese of South Carolina was first formally proposed at Diocesan Convention in 1908 and initially adopted in 1911. The current final form was adopted in 1930, based largely upon the seal used by Bishop Nathaniel Bowen during his time as the Third Bishop of the Diocese (1818-1839). It is described in detail by the Rt. Rev. A. S. Thomas, Ninth Bishop of the Diocese of South Carolina (1928 - 1944) in his book The Episcopal Church in South Carolina (1957).

The seal is an oval cartouche containing a shield quartered by a Latin Cross in white.

In the first quarter of the shield is a lighted candle upon a golden candlestick upon a red background, representing Christ as the Light of the World.

In the second quarter, on a blue background is placed "the pelican in her piety," an image in white of the pelican feeding her young with the blood of her own breast, which represents the atonement by Christ. The pelican is also associated with the Society for the Propagation of the Gospel in Foreign Parts, an English missionary society which maintained the Anglican Church in large measure during Colonial days. There is a pelican, for example, on St. James', Goose Creek, which was a mission of the Society as early as 1702.

The third quarter, also upon a blue background, displays the South Carolina palmetto tree, the symbol of the state.

In the fourth quarter of the shield, upon a red background, are two crossed swords of St. Paul. They were the main symbol on the seal of the Diocese of London. The South Carolina Church in Colonial days was a part of the Diocese of London and under the Bishop of London. These symbols were added with that bishop's expressed consent at that time.

Centered above the shield, in gold on a white background, is a bishop's mitre with lappets, bearing three crosses. It is an indication of the episcopal character of the diocese. To its left is the symbol of the key, also in gold, representing the authority Christ has given to His Church. To its right is the gold head of the bishop's crozier or staff, the symbol of the pastoral jurisdiction of the bishop.

In the cartouche around the perimeter of the shield and mitre is inscribed the name and motto of the Diocese on a white background in gold letters. The name as given on the top half of the seal is: The Diocese of South Carolina. The motto around the bottom half is from an old seal used in the Diocese as early as 1818. It is written in the original Greek, reading: ΜΗΔΕΙΣ ΣΟΥ ΠΕΡΙΦΡΟΝΕΙΤΩ

The phrase is an excerpt from Titus 2:15:
"These things speak, and exhort, and rebuke with all authority. **Let no man despise thee.**"

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT 47

DSC 48 - E-mail and Invitation to Clergy Day (November 7, 2012)

From: Episcopal Diocese of South Carolina
[mailto:episcopaldioceseofsc@gmail.com]
Sent: Wednesday, November 07, 2012 3:09 PM
To: episcopaldioceseofsc@gmail.com
Subject: Diocesan Clergy Day on November 15

Greetings! Attached please find an invitation to attend the Diocesan Clergy Day on Thursday, November 15 from 9:30 a.m.-2:30 p.m. at The Church of the Holy Communion, Charleston.

All Clergy
(Active and Retired)
are invited to a

DIOCESAN CLERGY DAY

Thursday November 15, 2012
9:30 am - 2:30 pm
at The Church of the Holy Communion
218 Ashley Ave, Charleston, SC

•••

9:30 am Coffee and Fellowship

10:30 am Holy Eucharist
Bishop Charles vonRosenberg, Preacher

11:30 am Steering Committee Report

12:30 pm Lunch

1:15 pm Discussion: Q and A

2:30 pm Dismissal

•••

Kindly RSVP to episcopaldiocesesnsc@gmail.com

DSC 49 - Diocese Letter re: Clergy Day (November 8, 2012)

Episcopal Diocese of South Carolina

P.O. Box 20127, Charleston, SC 29413-0127
(843) 722-4075

November 8, 2012

The Diocese of South Carolina has been completely open about the concerns it has with the direction of the Episcopal Church (TEC) in areas of theology (the uniqueness of Christ and their understanding of the authority of scripture), morality (especially in issues pertaining to sexuality) and polity (and the self-governance of individual dioceses). We have expressed those concerns clearly and in good faith and have explained in detail the actions which led to the disassociation of the Diocese from the Episcopal Church.

So it was extremely disturbing to learn that on Wednesday afternoon, November 7, 2012, a majority of the clergy of the Diocese of South Carolina received an email that pretended to be from the Diocese of South Carolina but in fact was not. The sender of the email was not identified beyond an email address registered to an organization in Florida named "Domain Discreet Privacy Service," The corresponding web page is hosted by a San Francisco organization stating: "This temporary landing page will be replaced when you publish your site."

The email was an invitation to a "Clergy Day for the Diocese," to be hosted at Holy Communion, Charleston and presided over by Bp. Charles von Rosenberg (A retired bishop from Tennessee).

There are several crucial facts that need to be addressed regarding this announcement.

First, this message did not come from the Diocese of South Carolina.

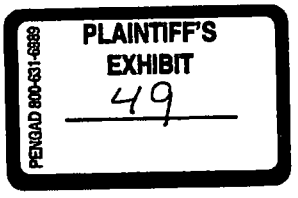
The sender intentionally impersonated the diocese with an unauthorized use of our Diocesan seal and by stating that the sender was the Diocese of South Carolina.

Also the Rector of the Church of the Holy Communion, where the meeting was to be held, stated that he had been led to believe it was for a small group of clergy who had already decided to reaffiliate with TEC. "Neither I nor anyone at Holy Communion sent that email," said the Rector. "I have notified the sender that we will not be hosts."

According to TEC, Bishop Lawrence is still the Bishop of the Diocese of South Carolina even though TEC contends his ministry has been restricted (which is not recognized by this Diocese). Therefore, Bishop Von Rosenberg would have no authority to convene or preside at any meeting in this diocese and to do so would put him in violation of TEC's canons.

Whoever called such a meeting had no authority to do so or to use the Diocesan seal in any fashion. All of this is further evidence of the necessity for the precautions this diocese has taken during the past several years. It seems TEC does not follow its own canons, while repeatedly insisting in the past that the Diocese of South Carolina do so.

The next gathering of the Diocese of South Carolina will be the Special Convention, Saturday, November 17 at St. Philip's Church in Charleston.



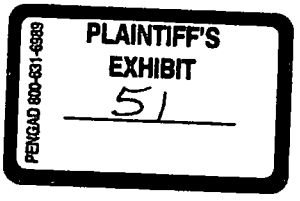
DSC 50 - E-mail Changing Location of Clergy Day (November 9, 2012)

From: Episcopal Diocese of South Carolina
[mailto:episcopaldioceseofsc@gmail.com]
Sent: Friday, November 09, 2012 4:11 PM
To: episcopaldioceseofsc@gmail.com
Subject: Diocesan Clergy Day November 15: Update

Greetings!
Please note the change of location on the attached invitation. You are invited to a Diocesan Clergy Day on Thursday, November 15 from 9:30 a.m.-2:30 p.m. at St. Mark's Episcopal Church, 18 Thomas St. in Charleston.

DSC 51 - Screen Shot of "Website Under Construction"

weebly
web creation made easy
www.episcopaldioceseofsc.com
Thank you for purchasing
www.episcopaldioceseofsc.com
This temporary landing page will be replaced when
you publish your site.


PLAINTIFF'S
EXHIBIT
51
PENGAD 800-631-6989

DSC 52 - Registration Form for 2013 Convention of "Episcopal Diocese of South Carolina"

The Episcopal Diocese of South Carolina

REGISTRATION FORM

for Special Meeting of the Convention
January 26, 2013
Grace Episcopal Church, Charleston, South Carolina

Pre-registration: All attendees must register.
Please complete a separate form for each person.

DEADLINE TO REGISTER: JANUARY 21, 2013

Title (Mrs., Rev., etc)_____ Name _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Email _____

Please check the appropriate box:

☐ Clergy Delegate (Parish represented, if applicable: _____)
☐ Lay Delegate (Parish represented: _____)
☐ Non-delegate member of the Episcopal Diocese of South Carolina (including clergy without vote)
☐ Visitor from another Diocese (name of diocese): _____
☐ Visitor representing another organization (name): _____
☐ Media/Press representing _____

Registration Fee (includes lunch)

☐ $50.00 per Delegate Check one: ☐ Payment enclosed; or ☐ Will pay at registration table
☐ $30.00 per Visitor Check one: ☐ Payment enclosed; or ☐ Will pay at registration table
☐ Media/Press: No registration fee (please be prepared to show ID/credentials at check-in)
Members of the media may purchase a lunch for $10.00. Please check here to reserve a lunch: ☐
☐ I would like to make an additional donation toward participants who need assistance, in the amount of $_____

Please make checks payable to "Episcopal Diocese of South Carolina" with "January Convention" in the memo line.

REGISTRATION DEADLINE IS JANUARY 21

PENGAD 800-631-6989
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DSC 53 - Home Page "The Episcopal Diocese of South Carolina"

The Episcopal Diocese of South Carolina

HOME ABOUT US FAQ AND RESOURCES NEWS CALENDAR STEWARDSHIP CONTACT US

Grace to you and peace from God our Father and the Lord Jesus Christ.

Philippians 1:2

Welcome!

The Episcopal Church in the Diocese of South Carolina is continuing. Our Diocese is reorganizing with renewed dedication to carry forward the work of our Lord Jesus Christ, just as prior generations have done since 1789. We have much to do and many challenges to meet, but we are confident that by moving forward together in unity and faith, with God's help, we will flourish.

Your participation in this new ministry is encouraged. The Episcopal Church in South Carolina always welcomes you!

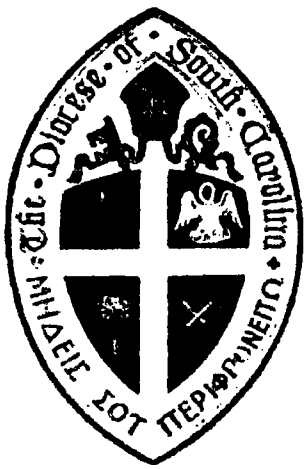
The powerful words of a beloved bishop of our Diocese speak poignantly to us now in this time of our rebuilding:

"We should strive for unity, not uniformity. Uniformity is mechanical, barren, unfruitful, and unprofitable. Unity is organic, living, and capable of endless growth. If we are to be truly catholic, as Christ himself is catholic, then we must have a church broad enough to embrace within its communion every living human soul."

The Right Reverend William Alexander Guerry (1861-1928)

DSC 54 - Screen Shot of the Seal of "The Episcopal Diocese of South Carolina"

The Seal of the Episcopal Diocese of South Carolina



The Seal of the Diocese of South Carolina was first formally proposed at Diocesan Convention in 1908 and initially adopted in 1911. The current final form was adopted in 1930, based largely upon the seal used by Bishop Nathaniel Bowen during his time as the Third Bishop of the Diocese (1818-1839). It is described in detail by the Right Reverend A. S. Thomas, Ninth Bishop of the Diocese of South Carolina (1928 - 1944) in his book *The Episcopal Church in South Carolina* (1957).

The seal is an oval cartouche containing a shield quartered by a Latin Cross in white.In the first quarter of the shield is a lighted candle upon a golden candlestick upon a red background, representing Christ as the Light of the World.

In the second quarter, on a blue background is placed "the pelican in her piety," an image in white of the pelican feeding her young with the blood of her own breast, which represents the atonement by Christ. The pelican is also associated with the Society for the Propagation of the Gospel in Foreign Parts, an English missionary society which maintained the Anglican Church in large measure during Colonial days. There is a pelican, for example, on St. James', Goose Creek, which was a mission of the Society as early as 1702.

The third quarter, also upon a blue background, displays the palmetto tree, the symbol of the state of South Carolina.

In the fourth quarter of the shield, upon a red background, are two crossed swords of St. Paul, the main symbol on the seal of the Diocese of London. The South Carolina Church in Colonial days was a part of the Diocese of London and under the Bishop of London. These symbols were added with that bishop's expressed consent at that time.

Centered above the shield, in gold on a white background, is a bishop's mitre with lappets, bearing three crosses. It is an indication of the episcopal character of the diocese. To its left is the symbol of the key, also in gold, representing the authority Christ has given to His Church. To its right is the gold head of the bishop's crozier or staff, the symbol of the pastoral jurisdiction of the bishop.

In the cartouche around the perimeter of the shield and mitre is inscribed the name and motto of the Diocese on a white background in gold letters. The name as given on the top half of the seal is: The Diocese of South Carolina. The motto around the bottom half is from an old seal used in the Diocese as early as 1818. It is written in the original Greek, reading: ΜΗΔΕΙΣ ΣΟΥ ΠΕΡΙΦΡΟΝΕΙΤΩ

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PLAINTIFF'S EXHIBIT
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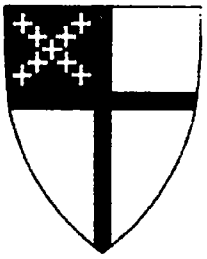
The phrase is an excerpt from Titus 2:15:
"These things speak, and exhort, and rebuke with all authority. ***Let no man despise thee.***"

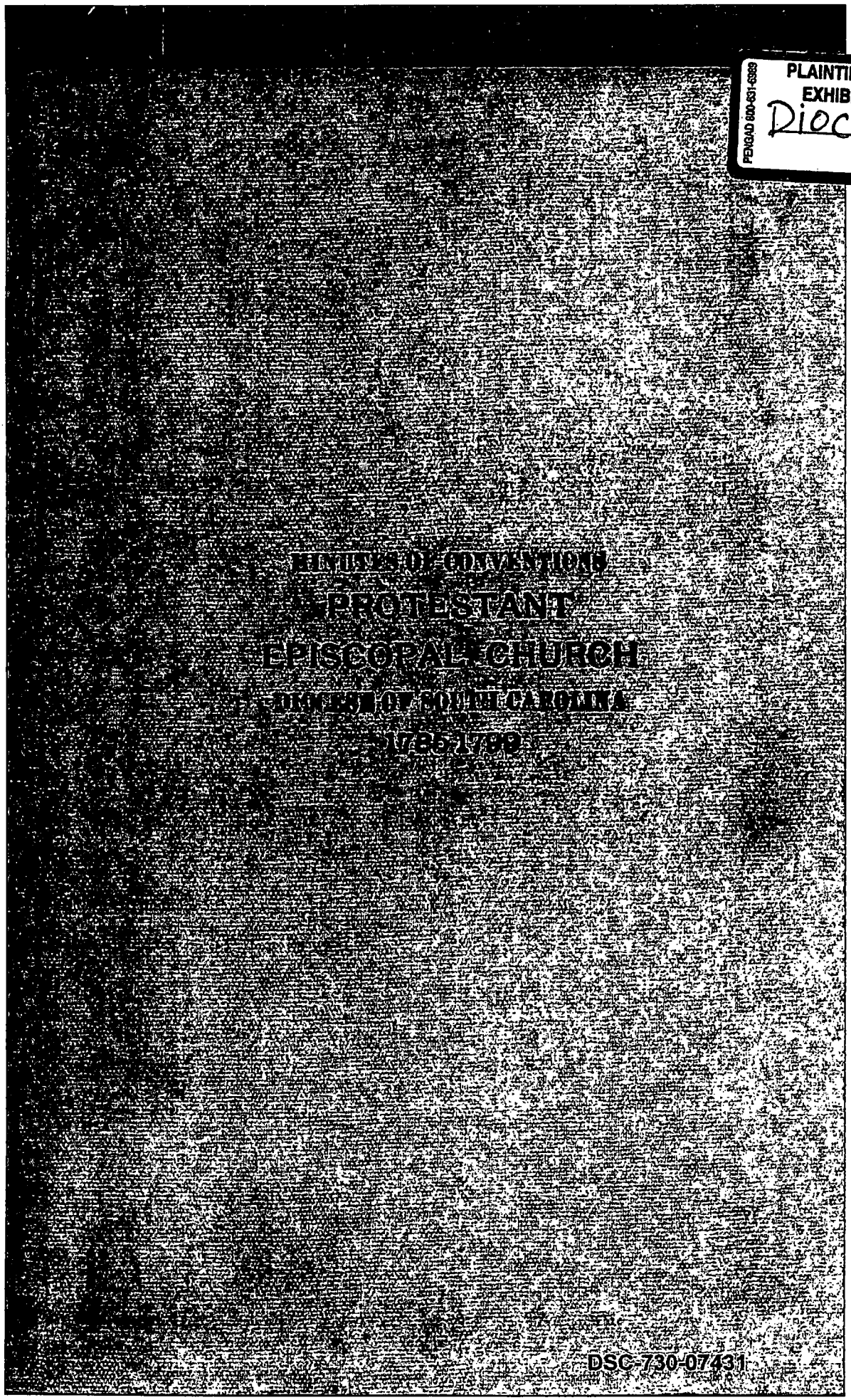
The Episcopal Shield



The shield was adopted by the General Convention of The Episcopal Church in 1940 and is rich in symbolism. The red cross on a white field is the St. George Cross, an indicator of our link to the Church of England, the mother church of the Anglican Communion. The miniature crosses in the blue quadrant symbolize the nine original American Dioceses that met in Philadelphia in 1789 to adopt the constitution of the Protestant Episcopal Church in the United States of America: South Carolina, Connecticut, Maryland, Massachusetts, Pennsylvania, New Jersey, New York, Virginia, and Delaware.

The outline of the miniature crosses is in the form of St. Andrew's Cross in tribute to the Scottish church's role in consecrating the first American Bishop, Samuel Seabury, in 1784. The colors red, white and blue symbolize (red) the sacrifice of Christ and Christian martyrs, (white) the purity of the Christian faith, and (blue) the humanity of Christ received from the Virgin Mary. In duplicating the colors of the American flag, they also represent the Episcopal Church's standing as the U.S. branch of the Anglican Communion.

DSC 56 - Minutes of the Diocesan Conventions, 1785 to 1799


PLAINTIFF'S
EXHIBIT 56
Diocese
PENGAD 800-631-6989
MINUTES OF CONVENTION
PROTESTANT
EPISCOPAL CHURCH
DIOCESE OF SOUTH CAROLINA
1785-1799
DSC-730-07431

Transcribed

Minutes of the Journal Gazette

Convention Charleston February 8th 1785

Present

The Revd Robt Smith
Daniel Cannon
Chas Col Pinckney
Revd Robt Hall
Hon Hugh Gaillard
Hon Dr Ogier
Hon Col Laurens

Thos Heyward Esq
Edward Rutledge Esq
Wm Gibbes Esq

The Revd Robert Smith D.D. Rector of St Philips Church Charleston and Daniel Cannon Esqr Warden of St Michaels Church Charleston having received Letters from Doctor White & Dr Provoost Bishops of the Protestant Episcopal Churches in the United States of America, which had been laid before the Convention of Clergymen and Lay Deputies of the Protestant Episcopal Churches in the United States of America which held their last Session in the City of New York in October 1784

Agreed that Messrs Smith & Cannon be requested to attend this Convention

A Convention of Clergymen and Lay Deputies of the Protestant Episcopal Church in the United States of America held in New York in October 1784

Present as follows

Revd Samuel Provoost D.D. Rector of St Georges Church New York

Revd Thos Ryan Rector of St Pauls Church New York

Clergymen

Laymen

Gingerich

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New York

Revd Samuel Provoost A.M. | Revd Thomas Horn
Revd Abraham Beach A.M. | Mr. James Duane
Revd Benjamin Moore A.M. | Thomas Willet | Esquires
Revd Southard Bloomer A.M. | John Alsop
Revd Leonard Cutting A.M.

New Jersey

Revd Uzal Ogden | John Chetwood Esquire
John De Hart Esquire | Mr. Samuel Sprigg

Pennsylvania

Revd William White D.D. | Richard Willing
Revd Samuel Magaw D.D. | Samuel Powell | Esquires
Revd Joseph Pilmore A.M. | Richard Peters
Mathew Clarkson Esquire

Delaware State

Revd Sydenham Kemp Revd Charles Wharton Mr Robert Clay

Maryland

Revd William Smith D.D.

N.B. The Revd Mr Griffith from the State of Virginia was present by invitation. The Clergy of that State being restrained by [illegible] yet conformable there unto, desired to be noted down Delegates or members to every attending in the Lower House of Convocation Assembly of the [illegible]

The Body now assembled, recommend to the Clergy and Congregations of their communion in the United States represented as above, and propose to those of the other States not represented, that they meet and have organized for ac-

[redacted]

[redacted]

...ociated Churches in the States to which they respectively belong, agreeably to such Rules as they shall think proper, they can form a general Ecclesiastical constitution on the following fundamental Principles

1. That there shall be a general Convention of the Episcopal Church in the United States of America

2. That the Episcopal Church in each State shall be entitled to a Representation in the Convention, consisting of Clergy and Laity

3. That associated Congregations in two or more States may send Deputies jointly

4. That the said Church shall maintain the Doctrines of the Gospel as now held by the Church of England, and shall adhere to the Liturgy of the said Church as far as shall be consistent with the American revolution, and the Constitution of the Respective States

5. That in every State where there shall be a Bishop duly consecrated and settled, he shall be considered as a member of the Convention, ex officio.

6. That the Clergy and Laity assembled in Convention shall deliberate in one body, but shall vote separately; and that no act of the Convention of both shall be binding, for which a majority of each order shall not vote in the affirmative

7. That the first meeting of the Convention shall be in Philadelphia the Tuesday before the first of St. Michael next; to which it is hoped and most earnestly desired that the Episcopal Churches in the respective States shall send their Clerical and Lay Deputies duly instructed and authorized to proceed on the business prepared for their deliberation.

Signed by order of the Convention
William Smith D.D.

DSC-730-07434

The foregoing Recommendations being read

Resolved — That a circular Letter be sent to the Vestries of the Protestant Episcopal Churches in this State requesting them to appoint Deputies to meet at the State House in Charleston on May the 12th next ensuing to consider and deliberate on the said Recommendations

May 12th 1785

Agreeable to the circular letter of the 10th of July last which was Committed to the Vestries of the Episcopal churches in the several Parishes of this State. The Gentlemen who assembled and took into consideration, the said Recommendations and Proposals of the State House in Charleston, to represent the Vestries of their respective Churches Viz. For the Episcopal Church in St Philips Parish the Revd Mr Smith. H. Rutledge D. Cannon and W.H. Gibbes Esquires

For St Michael. The Revd Mr Purcell and Roger Smith Esqr

For St James Goose Creek. The Revd Mr Ellington Dr Smith Esqr

For St Johns Berkley County. Blake & White Esqrs

For St Thomas & Hopson Onrhaey Esq

For St Helena Col. Barnwell

For St James Santee D. Horry and John Brunson Esqrs

For St Stephen Capt John Palmer

If as many of the Churches were not represented it was agreed to postpone the consideration of the recommendations of the Convention held at New York, until the Tuesday the 12th July next, that as many

notice be given
are not represented

At a
and Episcopal
St Charles to

The Revd Rob
Hugh Ri
Daniel Ca
The Revd Hen
Roger S
The Revd —
Peter Jon
Daniel
William
Ralph G
Jno Rob
William
Rich. Hon
Immediately
Hugh Ru
The
and Lay De
United State

notice be given of such intended meeting to the Rectors of the Churches represented, and that it be also advertized in the Gazette.

Feby 19th 1785

A meeting of Deputies from the Vestries of the Protestant Episcopal Churches in the State of South Carolina held at Charleston —

Present

The Revd Robert Smith Hugh Rutledge Daniel Cannon	St Philip's Church Charleston
The Revd Harvey Cornell Roger Smith	St Michael's Church Charleston
The Revd — Ellington Peter Smith	St James Goose Creek
Daniel Horry	St James Santee
William Fleming	St Bartholomew
Ralph Izard Junr	St George Dorchester
Jno Postmaster	Prince George Winyaw
William Mathews Richd Monck Junr	St Johns Colleton County

On motion that a Chairman be chosen ——

Hugh Rutledge Esqr was requested to take the Chair

The Recommendations from the Convention of Clergymen and Lay Deputies of the Protestant Episcopal Church in the United States of America, held in New York in October last, being read

DSC-730-07436-

and considered. It was agreed
that it is proper that Six Deputies be appointed to represent this
Protestant Episcopal Church of this State at the Ensuing General Convention of Clergymen and Lay Deputies of the Protestant Episcopal
Church in the United States of America to be held at Philadelphia
the third day before the feast of St. Michael next; any three of whom
may proceed on the business of preparing for the deliberations of the said
Convention. That five of them be ministers
duly chosen, and at least of them to be Clergymen, and that he
be allowed Eighty Pounds to defray expences
According by the following Gentlemen were elected viz.
The Revd. Robert Smith
The Hon. Jacob Read
The Hon. Charles Pinckney
The Hon. John Rutledge
The Hon. John Rutledge
Agreed that a Sixth Person may be hereafter nominated by the
Chairman, if necessary
The Revd. Robert Smith informed the members that from the peculiar situation of his family, he was under the necessity of declining the honour of going to the said Convention and requested
that another person might be elected.
The Revd. Henry Purcell was accordingly elected
On Motion Resolved — That the Deputies elected be desired
to act as their judgment and That the only instruction is —
That they would endeavour to have the meeting of any further
Convention fixed to a early day on the second of August
Signed by Order — Hugh Rutledge
Chairman

April 26 1786

At a meeting of the Deputies from the Vestries of the Protestant Episcopal Churches in the State of South Carolina held at Charleston

Present

The Revd Robt Smith
The Hon.ble Thos Smart
Dan.l Cannon
Wm Hasell Gibbes
} St Philips Church Charleston

The Revd Dr Purcell
Roger Smith
} St Mich.l Church Charleston

Dr Haig
Wm Mill
Jas Carr
} St Pauls Parish

Will.m Sherwood
Jas Corbett
} St Bartholomew

The Revd Will.m Smith
Dr John Lyons
Stephen Bordeaux
} St Thomas & St Dennis

John Lightwood — Prince Williams

Col.o Isaac Moore
Col.o — Singleton
} — St Marks

The Revd Mr Ellington
Peter Smith
} St James Goose Creek

Keating Simms
— Gendron
} St Johns Berkley

DSC-730-07438

On Motion that a Chairman be Elected ——

The Revd Robt Smith was accordingly Elected & took the Chair ——

On Motion made & seconded that a Secretary should be appointed — Wm Harold Gibbes, accordingly undertook the Office for the present meeting —

A motion being made & seconded — whether it was necessary that the Deputies from the diffr Churches now assembled should produce Certificates from their respective Vestries & Church Wardens of their appointments — On electing the Directors — It was resolved That as many of the Gentlemen had omitted to obtain such testimonials — that they should not be called upon for such at this time — but recommend an application to the respective Vestries & Church Wardens, to furnish the Chairman as soon as may be with Certificates of the respective Deputies having been so appointed —

Motion made & seconded that a committee be appointed to draw up a succinct constitution for the Protestant Episcopal Churches in this State — The following Gentlemen were accordingly nominated —

The Revd Dr Purcell
— Mr Ellington
Dr Lesly
Roger Smith
Wm Harold Gibbes
} Committee —

Motion made & seconded that the Fundamental rules of the Ecclesiastical constitution as agreed on at the General Convention held at Philadelphia from the

27 of September
agreed to —
Rule 1st —
the Protestant
America, in
the 3rd Tuesday
for ever after
Diocese may
= tution & the
three Clergy
= ed for; & the
= said shall be
except that
two States shall
Bishop of the
allowed —
2nd That
of the Church in
Deputies not
the said Church
majority of
3rd In the
in this Convention
= tion of the
4th The
of the Sacrament
according to the
be continued
altered by this
ensuing page
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the same exp

27 of September to the 7 of October 1785 be read — wch was agreed to —

Resolved 1st — That there shall be a general Convention of the Protestant Episcopal Church in the United States of America, wch shall be held in the City of Philadelphia the 2nd Tuesday in June in the year of our Lord 1786 — & from thence forward once in three years on the second Tuesday in June in such place as shall be determined by the Convention at their preceding meetings, & at such other time & in such other place as shall hereafter be provided for: — That the Church in a majority of the States aforesaid shall be represented, before they proceed to business except that the representation of three States shall be sufficient to adjourn — & in all the meetings of the Convention the Laity & Clergy shall vote

2nd — There shall be a representation of both Clergy & Laity of the Church in each State wch shall consist of one or more Deputies not exceeding four of each order: & to all questions in the said Church in each State shall have an equal vote & a majority of suffrages shall be conclusive —

3d — In the said Church in every State represented in this Convention there shall be a Convention consisting of the Clergy & Lay Deputies of the Congregations —

4th — "The Book of common Prayer & Administration of the Sacraments & other rites & Ceremonies of the Church according to the use of the Church of England" — shall be continued to be used in the Church as the same is altered by this Convention in a certain instrument of writing passed by their authority — entitled — Alterations of the Liturgy of the Protestant Episcopal Church in the united States of America in order to render the same conformable to the American Revolution &

DSC-730-07446

according to the use of the Church of England, proposed & recommended to the Protestant Episcopal Church in the united States of America — shall be used in this Church, when the same shall have been ratified by the Conventions which have respectively sent Deputies to this General Convention —

10 — No person shall be admitted, or permitted to officiate as Minister in this Church, untile he shall have subscribed the following Declaration — I do believe the Holy Scriptures of the old & new testament, to be the word of God & to contain all things necessary to Salvation — And I do solemnly engage to conform to the Doctrines & worship of the Protestant Episcopal Church as settled & determined in the book of Common Prayer & administration of the Sacraments, set forth by the general Convention of the Protestant Episcopal Churches in these united States —

11 — This General Ecclesiastical Constitution, when ratified by the Church in the Diff[t] States, shall be considered as Fundamental, & shall be unalterable by the Convention of the Church in any State —

On motion Resolved — The following resolves entered into by the Convention held at Philadelphia — were also read —

1st — That the Liturgy shall be used in this Church as recommended to the consideration, agreeably to the alterations now approved of & ratified by this Convention —

2nd — That the Fourth of July shall be observed by this Church for ever, as a day of Thanksgiving to Almighty God for the inestimable blessings of Religious & Civil Liberty vouchsafed to the united States of America —

3rd — That the first Thursday in November in every year for ever, shall be observed by this Church as a day of General Thanksgiving to Almighty God, for the Fruits of the earth & all the other blessings of his merciful Providence —

DSC-730-07441

"Trained" in the first Line — viz — until due examination had by the Bishop & two Presbyters, & exhibiting testimonials of his moral conduct for two years past — signed by the Minister & Three of the Vestry of the Church where he has last resided — or permitted to officiate as a Minister in this Church until he has exhibited his Letters of Ordination & have subscribed according to the 16th Art.

1st — Agreed to —

Resolved

4th Suspended for the report of the Committee on the Fourth & ninth Rules —

2nd — Agreed to —

3d — Agreed to —

On Motion that a Committee be appointed to consider of and report on the 4th & 9th Rules — also on the first Resolve —

The Revd Robt Smith
The Revd Dr Purcell
The Revd — Ellington
Dr Jones
Roger Smith Esqr — were appointed

On motion made & seconded that Deputies be appointed to attend at the General Convention at Philadelphia on the 3rd Tuesday in June next on behalf of the several Churches represented in this Convention — The following Gentlemen were appointed —

The Revd Robt Smith
Charles Pinckney
John Parker
John Lean
} Esqrs

DSC-730-07442

…appointed for that
…ation in the mean con-
…ference each House
…to be invited to the
…the Convention of
…
…ion will provide a light
…ferior of the Rev. the
…General Convention
…
…convention to be
…y of May next —

4 May 29th 1786

A meeting of the Deputies from the Various P. Episcopal Churches
State of South Carolina held at Charleston — The Rev. Mr. Smith in the
Chair not being a sufficient Number of Deputies from the respective Churches present
to Business a Motion was made and seconded that this meeting be adjourned to
which was agreed to —

May 30th.

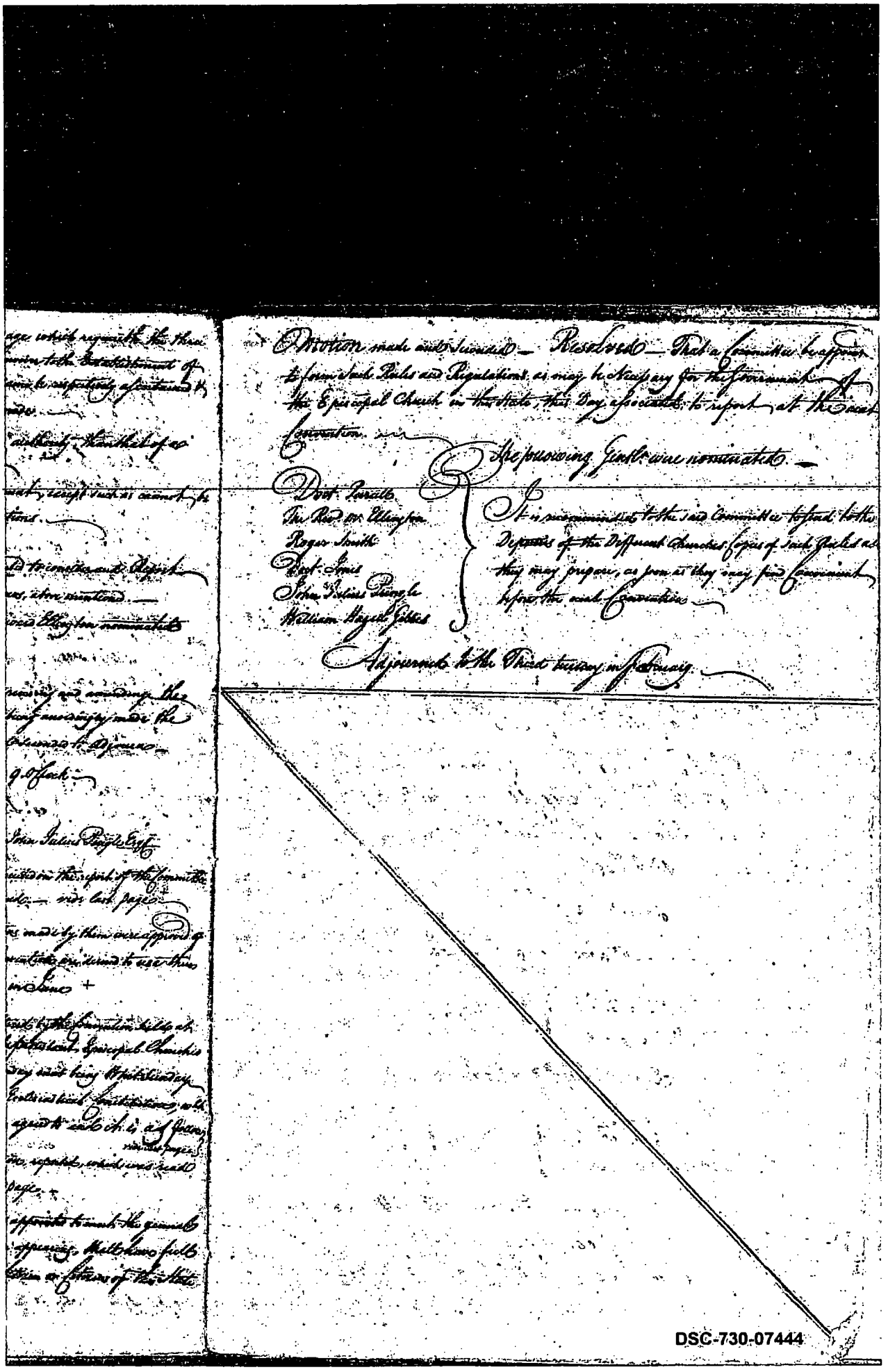
The Deputies of the Churches met this Day according to adjournment. The Rev. Mr.
Smith in the Chair. —

Present

	Deputies for
The Rev. Mr. Rd. Smith Thomas Frost	St Philips Church Charleston
Daniel Cannon Esqr Wm Harrold Gibbes	
The Rev. P. Purcell Roger Smith Esquire	St Michaels Church Charleston
The Rev. Mr. Smith D. John Lyon Hopson Pinckney	St Thomas & St Denis
Lt. Benjamin Gibbes	Prince Williams
The Rev. Mr. Edward Ellington Peter Smith	Saint James Goosecreek
John Julius Pringle Esquire	Saint Bartholomew

The Minutes of the last meeting being read, were approved and signed by the
the Deputies present, to produce Credentials of their Appointments from the Respective C
which they represent — which not being produced were found satisfactory —
The Committee to whom were referred the Report at the last meeting of an Ecc
Ecclesiastical Constitution reported — The Report was read, and the consideration of it post
till Tomorrow and were as follows —
1st That the Episcopal Church in these States, is and ought to be independent of all Foreig
Authority Ecclesiastical or Civil
2. That it hath and ought to have in common with all other religious societies full and Ex
Power to regulate the Economy of its own Government
3. That the Doctrines of the Gospel be maintained as now held by the Church of England &
Worship be continued as near as may be to the Liturgy of the said Church

DSC-730-07443



Motion made and seconded — Resolved — That a Committee be appointed to form such Rules and Regulations as may be necessary for the Government of the Episcopal Church in this State, that they proceed to report at the next Convention. —

The following Gentlemen were nominated. —

Doct. Purcell
The Revd. Mr Ellingston
Roger Smith
Doct. Smith
John Julius Pringle
William Hazard Gibbes

} It is recommended to the said Committee to send to the Deputies of the different Churches Copies of such Rules as they may propose, as soon as they may find convenient before the next Convention. —

Adjourned to the Third Tuesday in February. —

DSC-730-07444

June 22nd

The Convention met according to appointment

After reading the minutes of the last meeting May 29th 1786 The Rev. Robt Smith took the Chair

A letter was read from Charles Pinckney Esq. Member of Congress for this State informing him of his attendance on the Convention which he expected the third Tuesday in this month — Also a letter from John Kean Esq. Member of Congress — on the same subject —

Wm. Bay Esq. took his place as Deputy for St Bartholomew

Went through the transactions of the General Convention held at Philadelphia June 6th 1786 — and at Wilmington 10th 1786 —

The Rev. Robt Smith informed the members that in consequence of Charles Pinckney and John Kean Esq. not attending at Philadelphia — John Parker Esq. and Joseph Gracie to whom authority given May 31st 1786 nominated & appointed Robert Stevenson Esq. and John Mitchell Esq. Deputies to sit in Convention at Philadelphia — And at the ensuing Convention at Wilmington The Rev. Robt Smith appointed John Rutledge Esq. according to their power —

On motion made & seconded — The members being satisfied with Report of transactions at Philadelphia & Wilmington — made by the Rev. Robt Smith — voted unanimously that the thanks of this Convention be given to the said Rev. Robt Smith — for his speech and attention to his delegated Duties —

The Committee

DSC-730-07445

5

No Clergyman or person professing to act under the sacred character, though received into a Parish as such shall be admitted a Member of this Board, notwithstanding he may be elected thereto by his Vestry and Church Wardens, unless he first produces to the Convention, (or a Committee and thereof, if to act during their recess) sufficient testimonials of his having been ordained a Priest by some Protestant Bishop, shew the oath of allegiance to this, or any other of the states, & likewise manifests an inclination & disposition to the doctrine, Discipline, & Government of the Protestant Episcopal Church in America, as settled in General Conventions & to the same, in this state in particular. Provided nevertheless, that any person, who may have been ordained by a Bishop of the Church of Rome may, on declaring his entire & unequivocal conformity to the doctrine of the aforesaid Protest. Episcopal Church taking the Oath of allegiance & subscribing as above, be admitted to every privilege & immunity, as if he had been ordained by a Protestant Bishop.

6

No person being only in Deacon's orders shall hereafter be allowed to hold a Parish. He may officiate during a Vacancy, if authorized by this Convention, or the Committee aforesaid, & approved of by the Vestry. And that no assumptions of character or Power, beyond what he is already vested with, may be pleaded from the necessity of a case or ignorance, He shall strictly confine himself to the Duties of a Deacon, as specified in the Ordination Service. He may preach the Gospel, administer Baptism, solemnize Marriage, assist in the administration of the Sacrament of the Lord's Supper but not consecrate the Elements.

Clergymen emigrating from Europe or any of the United States of America to this, shall, in addition to their Letters of Ordination produce a testimonial signed by the Bp of the Diocese, or State

DSC-730-07446

[redacted]

no complaint shall be received — They shall
directed by the Secretary of the Convention, or the
Chairman of the committee, appointed to act during
any recess — who shall immediately draw by Lot a c
three as before directed — & proceed to business as
duly as convenient. — The Minister shall be furn
with a Copy of the Charges brought against him — at leas
months before Examination — Viva voce Evidence s
to be allowed — & that on oath duly administered
Oath, before going into Testimony shall be prescribed
the Examination of the Witness —

It shall be the Business of the Committee exclusive of th
before mentioned Powers, to correspond with any Society, o
Societies of the Protestant Episcopal Church, in the Unite
States, on any matters relating thereto — to call a meeting
the Convention whenever it shall seem necessary — to lay
such Representations, on behalf of the Church, as may fro
time to time become expedient; — & to report their pro
-ceedings to every succeeding convention, to be confirme
or rescinded —

11 —

The committee shall consist of 6 members
3 Clergymen & 3 Laymen — who shall continue in
office till the next Convention — Vacancies by Death
Resignation, or Removal shall be supplied by the Su
-pages of the remaining Members —

12 —

The Vestries of the respective Parishes of this Diocese
shall always keep in Office a Deputation to the Conv
-tion of this Church —

Signed W. Purcell
Chairman

The foregoing was assented to in such manner as the

DSC-730-07447

At a meeting of Kings Oct. 1789

Present

The Hon. Robert Smith } At Shelter
Daniel Cameron Esq. }

The Hon. D. Powell — At Michaels

Abm. Van Vredenburgh } Esqrs. — Christ Church
Theo. Dent — }
John Gibbs — } Esqrs. — At Williams Colleton Ca
Wm. Bantom — }

adjourned to 10 Clock to morrow AM —

Kings Oct. 1789

The Commissioners met — Day to adjourn

Present

The Hon. Robt. Smith } At Shelter
Daniel Cameron Esq. }

The Hon. D. Powell
Rogers Smith Esq. } — At Michaels
John Dent Esq — Christ Church
Genl. Gadsden — — Prince George Winy
John Gibbs — }
William Bantom — } Esqrs — At Williams Colleton Co
Peter Smith Esq — — At James Goose Cr
Genl. Gadsden in the Chair — Day to 9 Clock

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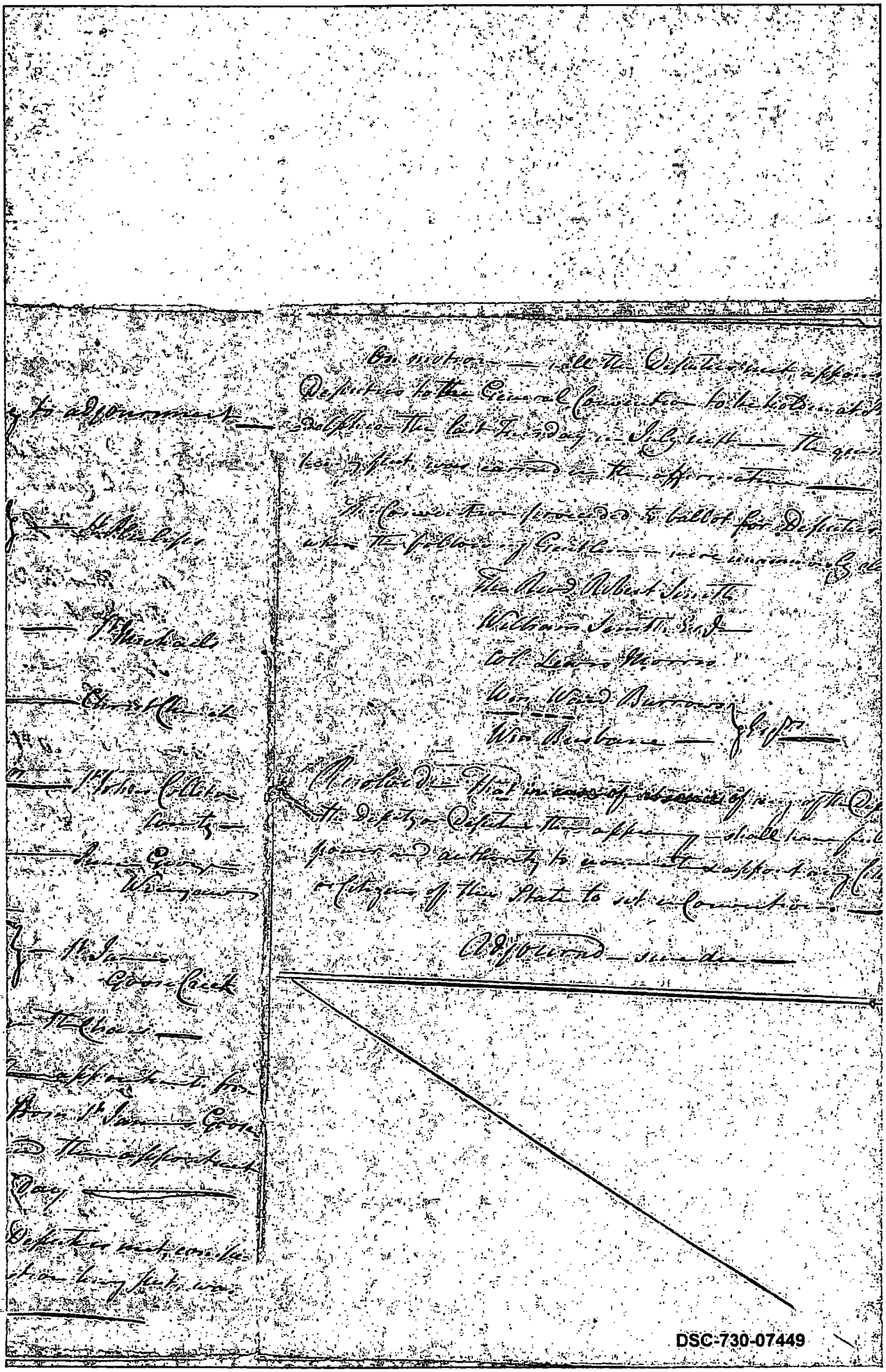

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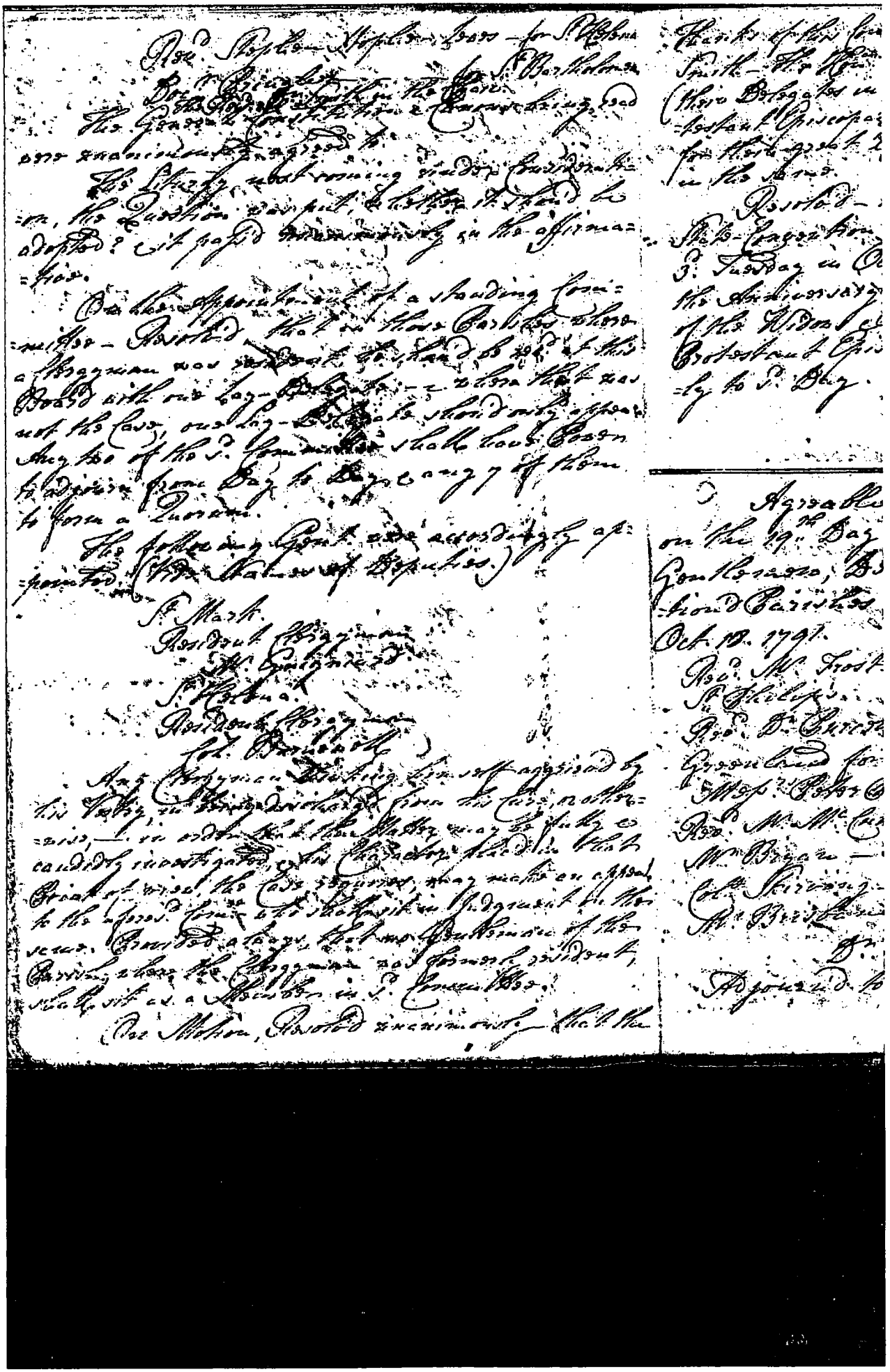

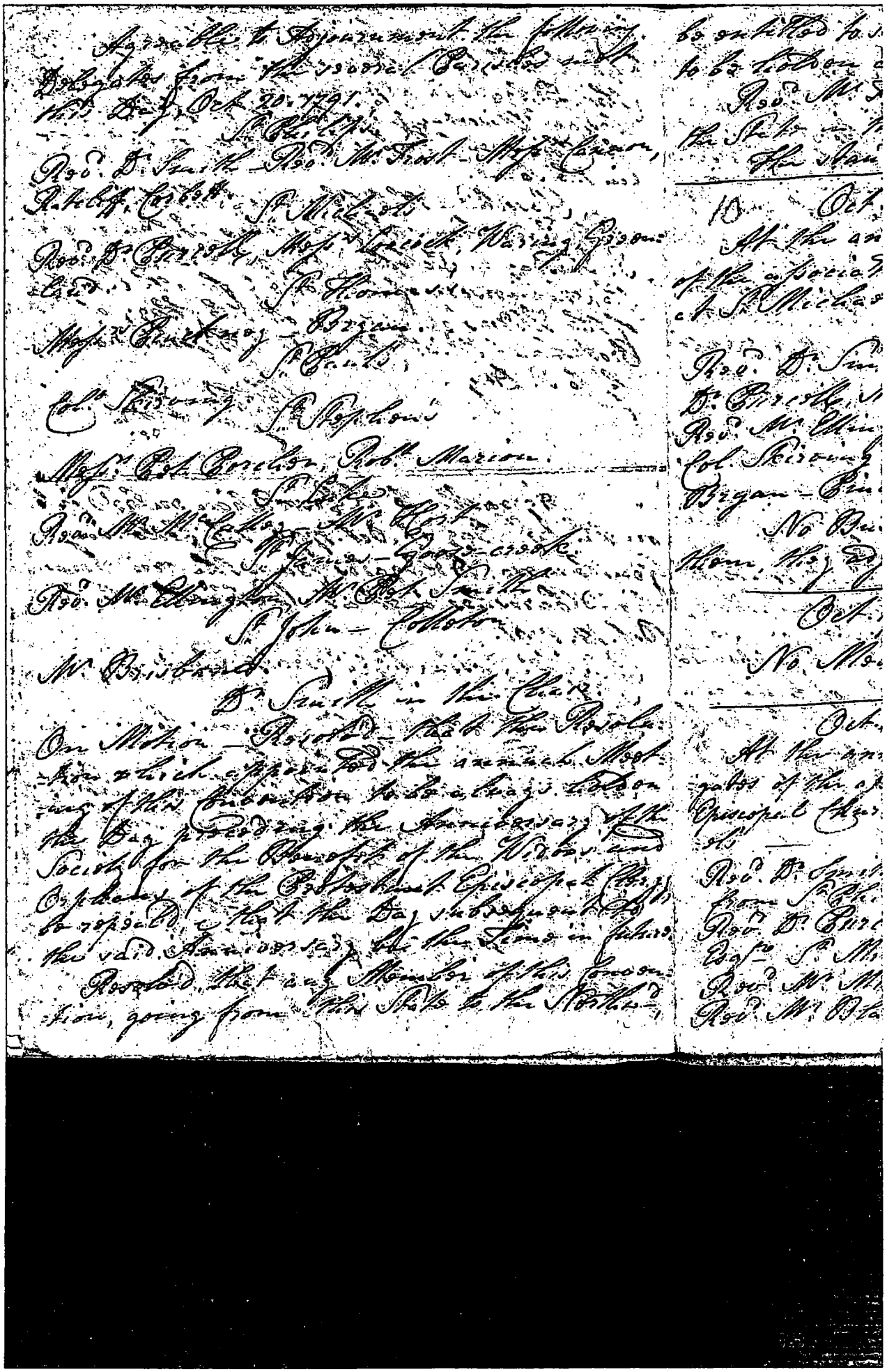

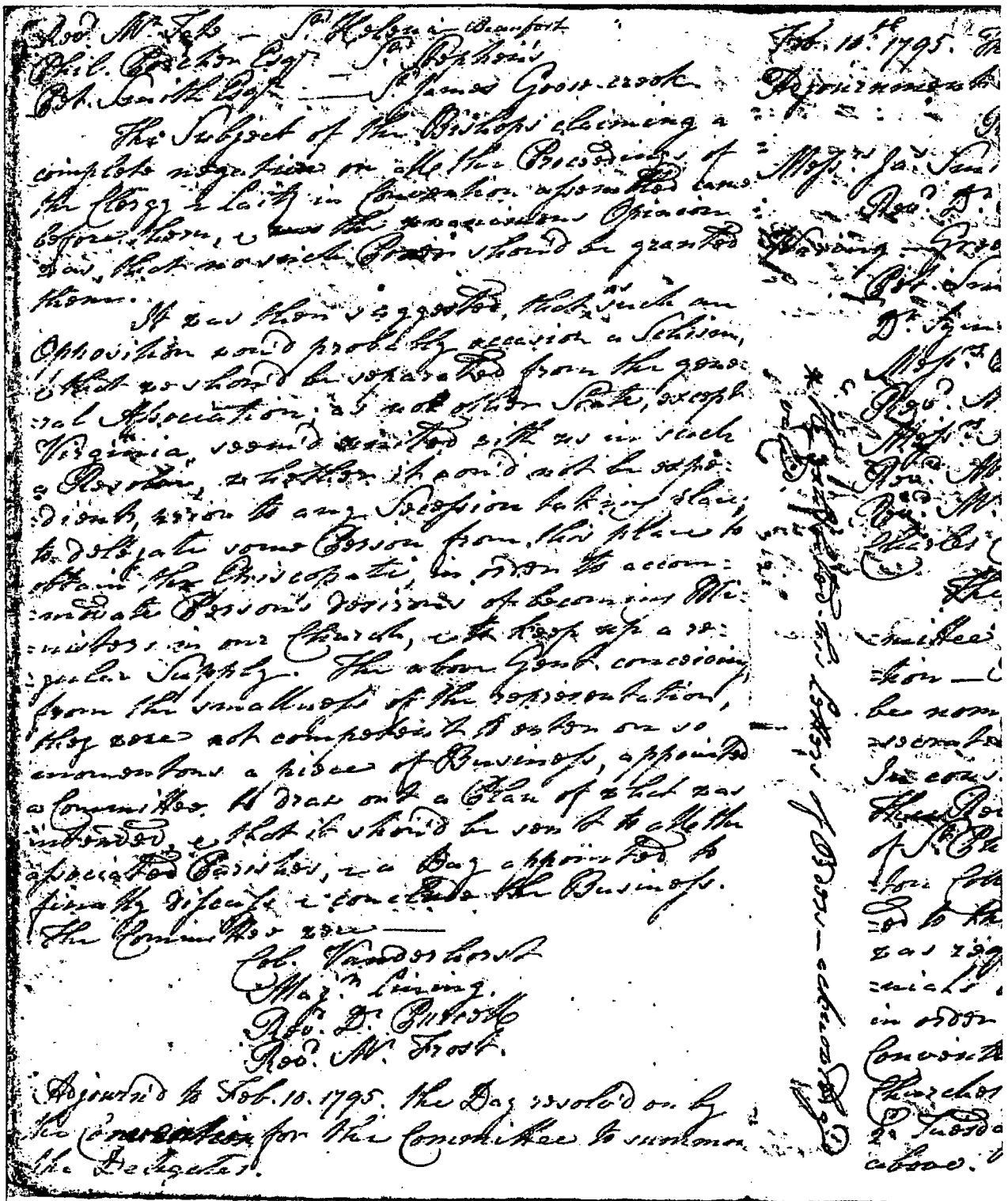

Rev. Mr. Tate — St. Helena & Beaufort
Phil. Porcher Esq. — St. Johns
Rob. Smith Esq. — St. James Goose-creek

The Subject of the Bishops absence being a
compleat neglect in all the Presidents of
the Clergy & Laity in Convention assembled came
before them, & how the Inquisition Oration
&c. that no such Prayer should be granted
them. It was then granted, that such an
Opposition could properly receive a Solution,
that no person be retained from the gene-
ral Association as in other States, except
Virginia, vessels visited with the sick
& Persons, & that it could not be repe-
ated, upon the same Question taken place,
to debate some Person from this State to
obtain the Episcopate, in upon the accom-
modate Persons desirous of becoming Mi-
nisters in our Church, & keep up a re-
gular Succession. The above Genl. concessions
from the unanimous of the Representation,
they were not competent to act upon no
recommend a Bill of Business, & formed
a Committee. Motion on a Plan of such was
intended, & that it should be sent to all the
associated Churches, & a Day appointed to
finish Business & conclude the Business.
The Committee are ——

Col. Vanderhorst
Maj. Simons
Rev. Dr. Purcell
Rev. Mr. Frost.

Adjourned to Feb. 10. 1795. the Day moved on by
the Convention for the Committee to summon
the Delegates.

Feb. 10th 1795.

the Constitution of the respective States

6. In every State where there shall be a Bishop duly invested [illegible] who shall have acceded to the Articles of the General Ecclesiastical constitution, he shall be considered as a member of the Convention in office

7. The Bishop or Bishops in every State shall be subject to such rules as shall be fixed by the Fundamental constitutions of every Church in this Union. Every Bishop of this Church shall confine the exercise of his Episcopal office to those who are under his pastoral charge, or with the consent of the Ecclesiastical Authority of the State in which he may officiate, unless requested to perform Episcopal duties by the Church in any other State.

8. No person shall be admitted to Holy Orders in this Church, unless he shall have been previously examined by the Bishop, or by the Ecclesiastical Authority of the State in which he may reside, and shall have exhibited such testimonials and letters dismissory as may be required by the Canons of the General Convention.

9. Every Clergyman of this Church, who shall be settled in the Work of the Ministry within any State, shall conform to the Worship, Discipline and Government established by the Canons of the Church in such State, unless he shall have been regularly released therefrom by the Ecclesiastical Authority thereof, or shall be otherwise lawfully entitled to officiate elsewhere.

10. Every Minister of this Church shall be amenable to the Authority of the Convention in the State in which he officiates, for his Ecclesiastical Character and Official Conduct. And the Bishop or Ecclesiastical Authority of each State, shall institute Suits for the Trial of Clergymen, when the Laws of the State require it, and the Case shall be such as to render it necessary or expedient.

11. No Alteration or Addition shall at any time hereafter be made in this Constitution, unless the same shall be proposed in one General Convention, and made known to the several Churches composing the Union, before the next succeeding General Convention; and then agreed to by the Majority of the Churches represented in the said Convention, and ratified by the Majority of the Churches in the Union. But if the Churches shall not ratify the Alterations proposed by the Convention, then the Constitution shall remain as before.

12. The Bishops, when there shall be three or more in the Church, shall form a House of Bishops, with power to negative Canons proposed by the Clerical and Lay Representation, but not to originate Canons.

13. The Clergy and Laity of this Church in a State where no Bishop has been consecrated, and where from the distance of the State from the Bishops of other States, they cannot conveniently obtain the Episcopal Ordination, may proceed to elect a Bishop; and the Testimonials required in such case shall be subscribed by the Clergy and Laity of the Church in such State, or by the Vestry and Wardens of the Congregations in which the Services of the Church have been performed, and shall be certified by the Minister and Church Wardens or Vestry of the Parish in which the Election shall take place. The Certificate shall be directed to the Bishops of the Church, or to the Standing Committee of the Church in the State in which the Election is to be held. The Person elected shall be examined by the Bishops, and shall be ordained a Bishop in case the Testimonials in his favour shall be deemed sufficient, and he shall conform to the Canons.

14. No Person shall be ordained or consecrated a Bishop in this Church until he shall have been chosen by the Clergy and Laity of the State in which he is to exercise his Episcopate, and shall produce the Testimonials required in the preceding Article, signed by the Bishops of at least three States, and certified as therein mentioned.

15. No Bishop or Assistant Bishop shall be translated from one See to another, nor shall he officiate in any Church or Diocese other than his own without the consent of the Ecclesiastical Authority of the State in which he proposes to officiate.

16. No Bishop or Assistant Bishop shall be tried for the commission of any Crime, except such as may render him liable to Ecclesiastical Censure or Degradation from the Ministry, unless he shall abandon the Communion of this Church, renounce the Doctrine or Discipline thereof, or shall be guilty of some Crime which by the Laws of the State shall be infamous. But no Sentence of Degradation or Deposition shall be pronounced upon a Bishop, except by the Bishops of the Church, who for that purpose shall form a Court of Review, of which the Senior Bishop shall preside, unless he be himself the Accused Person, in which case the Bishop next in Seniority shall preside. The Mode of Trial shall be regulated by the Canons of the General Convention.

17. The Bishops, when there shall be three or more in the Church, shall meet in General Convention, and shall have a negative upon the Acts of the Lay and Clerical Representation, but not originate Canons.

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On Motion that the seven rules & resolves be taken into consideration — It was agreed in the affirmative —

Rule 1st — Agreed to — Except the time of meeting — recommended to be Thursday —

2nd — Agreed to —

3d — Agreed to —

4th — On this rule being read a motion was made & seconded that the further consideration of the same be postponed & that it be referred to a Committee to consider of & make such alterations of the Liturgy of the Church of the Episcopal Churches in the American States as they may report thereon at the next General meeting of this Convention. [illegible]

5th — Agreed to —

6th — Agreed to — so far as relates to the Establishment of a Bishop in South Carolina — But recommended that the word State be inserted between the words Respective & Incumbents, [illegible]

7th — That the words — consisting of three or more Churches — be inserted immediately after the words Protestant Episcopal Church in the first line of the seventh article —

8th — Agreed to —

9th — Referred to the Committee on the 4th Rule —

10th — Agreed to — But recommend the following alteration to be inserted immediately after the word

"Ordained" — in the [illegible] tion had by the [illegible] monials of his [illegible] by the Minister & [illegible] has last preceded — Minister in this [illegible] of Ordination & [illegible]

11th — Agreed to

Resolves

1st — Sustained

2nd — Agreed to

3d — Agreed [illegible]

On Motion that [illegible] and report on the [illegible]

Resolve —

The [illegible]

The [illegible]

The [illegible]

Ro

On motion made [illegible] to attend at the [illegible] the 3rd Tuesday [illegible] Churches represented Following Gentlemen

The

Resolved — That each Church now represented in this Convention, or that may be represented in the next Convention, will provide Eighteen Dollars each towards paying any expence that may be incurred in the execution of the Business of this Convention as appointed —

Resolved — That this Convention will provide Eighty Dollars towards defraying the Expences of the Rev.d Doctor Smith, appointed to attend the General Convention Philadelphia —

Resolved on Motion — That this convention be adjourned to Monday the 29th day of May next —

Adjourned accordingly —

5th That the succession of the ministry be regulated with a view which may unite the three Orders of Bishops, Priests, and Deacons, with an express reserve to the Establishment of Bishops in this State, that the Rights and powers of the same be supported & ascertained by this Act, & that any attempt to encroach upon the same may be made

6th That Annual Ecclesiastical Rules and Laws, there be an Ecclesiastical Representation Body of the Clergy and Laity conjointly

6th That no powers be delegated to a General Ecclesiastical Government, except such as cannot be exercised by the Clergy and Vestries in their respective Congregations.

Motion made and seconded, that a committee be appointed to consider and report a proper preface to be prefixed to the Rules & Regulations, above mentioned.

Agreed to. — And the Revd Dr Purcell, and the Revd Edward Ellington nominated for that purpose.

Motion made and seconded that the committee appointed for revising and amending the Liturgy of the Church of England do report. The Report being accordingly made the same was taken into consideration in part — whereupon resolved to adjourn

Adjourned according to. till Tomorrow morning 9 o'clock

May 31st 1786.

William Day Esquire took his seat for St Bartholomew's with John Julius Pringle Esqr

The Convention met according to adjournment, and proceeded on the report of the committee for revising and amending the Liturgy of the Church of England — vide last page

The Report of the Committee being gone thro', several alterations made by them were approved which are as follow — & which the Deputies to the general Convention are directed to use their endeavours to get altered, at the meeting on the 2d Tuesday in June

On Motion made and seconded — that the Liturgy as altered by the Convention held at Philadelphia in September last, should be made use of in the Protestant Episcopal Churches in this State — it was agreed that the same should be so binding and being put to the Question

The Convention then resumed the consideration of the Appendix to Ecclesiastical Constitutions & the same, paragraph by paragraph, was unanimously agreed to and is as follows — vide last page

The Committee appointed to draw a Preface to the Constitutions, reported, which was read & considered and agreed to, and is as follows — vide last page

Resolved, that in case of absence of any of the Deputies appointed to attend the general Convention in Philadelphia — the Deputy or Deputies there appearing shall have full power & authority to appoint one or more other Deputy or Deputies from this State to attend the Convention

Motion made and to form such Rules and the Episcopal Church Convention

Doct. Purcell
The Revd Mr Ellington
Roger Smith
Doct. Jones
John Julius Pringle
William Hazel Gibbes

Adjourned

Feb. 20. 1789

The Convention met according to Adjournment

Present

The Rev. Dr. Bowden } St. Pauls Church Charles Town
The Rev. Dr. Purcell } St. Michaels Church
The Revd. Dr. Ellington } Prince Georges Winyaw
The Revd. Mr. Lance } St. Helena
The Revd. Thos. Mills } St. Andrews

The Lay Deputies of these Churches not appearing on account of the indispensable necessity of their attendance on the House of Legislature ——— Adjourned till to morrow 12 o'Clock

Feb. 21st

The Convention met according to Adjournment

The Revd. Wm. Smith } St. Thomas
D. Dyse }
Joyner Esq. } St. Helena
Roger Smith Esq. } St. Michael
Doctr. Jones }

The same motives operating on the Members of the Legislature that they could not attend ——— The Convention adjourned to 8 o'Clock to morrow A.M.

The Committee to whom was referred the Rules for the order Government and Discipline of the Protestant Episcopal Church in South Carolina as hereto-fore by Law established ——— Report ———

1 ———

Conventions shall be held annually on the 3rd [illegible] Majority of the Churches who have associated & do not attend on the same day any two Clergymen & Lay Representatives of shall have power to adjourn from day to day ———

2

A Person shall presided in Convention with the Title of President — and a Committee shall be elected by their meeting, shall be appointed to frame rules for the Govern-ment & Government of the Board in all matters relative to Decorum & Determination of Questions.

3

A Secretary, from amongst the Body assembled, shall be elected who shall keep a true & faithful Journal of the Proceedings & transactions — subject only to the inspection of the members of the Board — but not delivered out of his Custody, as long as he remains in Office, on any account whatever ———

4 ———

At all future Conventions the members of each Parish or District shall previous to their admission at the Board, produce a Certificate of their being regularly appointed and duly qualified as Citizens to sit thereat — which Certificates shall be signed by the Rector & Church Wardens

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[illegible] the Convention, a Committee aforesaid shall be Judges of the moral, religious, & literary abilities of persons for the due administration of the Ordinances of Religion & of the validity of their Credentials, if in order. But the approving or receiving any Clergyman into a Cure or Parish shall be the Right who supports him. Receives the benefits of his Ministry. Provided always, that no Clergyman be received into any Parish of this Association, duly he first produces testimonials, signed by the Convention or Committee, of his being duly qualified [illegible] of the Convention for [illegible] to the same by [illegible]

X

8 to the 8th

In case of Complaint exhibited against a Minister, a Committee shall be composed out of this Board consisting of Six Members. Viz. 3 Clergymen & 3 Laymen or other Lay Delegates to be drawn by Lot, in like manner as Juries are. The Senior Clergyman shall preside, and shall carefully note down the depositions of the Witnesses. & present them to the Convention, who shall proceed, without delay, to pronounce the acquittal, or such sentence as the Majority shall think the offence deserves. Provided always that no Clergyman or other Lay Delegate, belonging to the Parish of the accused Minister shall act, he allowed to sit on the Committee or give his vote on the occasion. The sentence shall be confined to Admonition, Suspension or Deposition from the Ministry.

9

Complaints against a Minister shall be received from no other persons whatsoever but the Vestry of the Parish of which they must be signed by a Majority of them without

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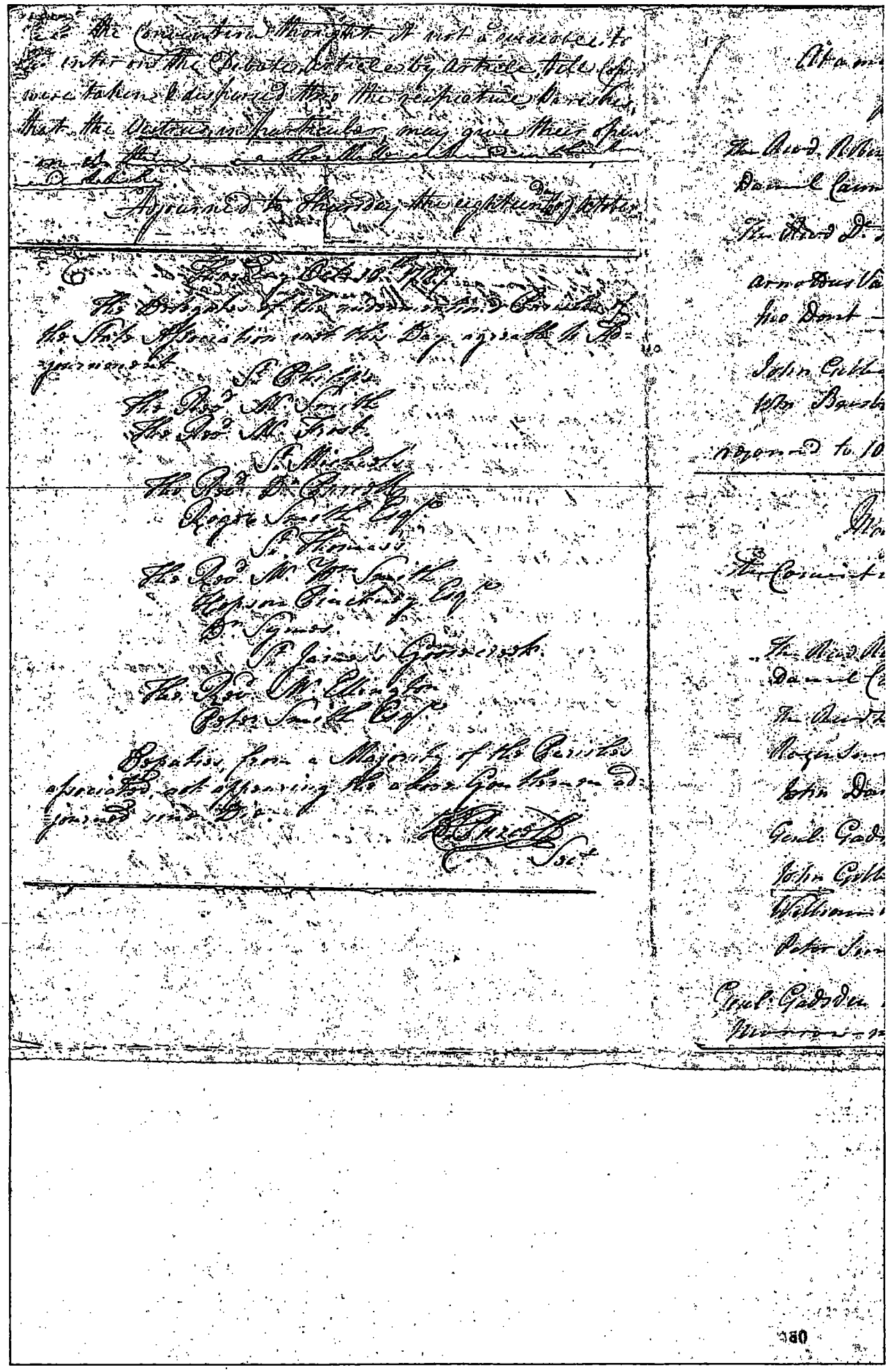

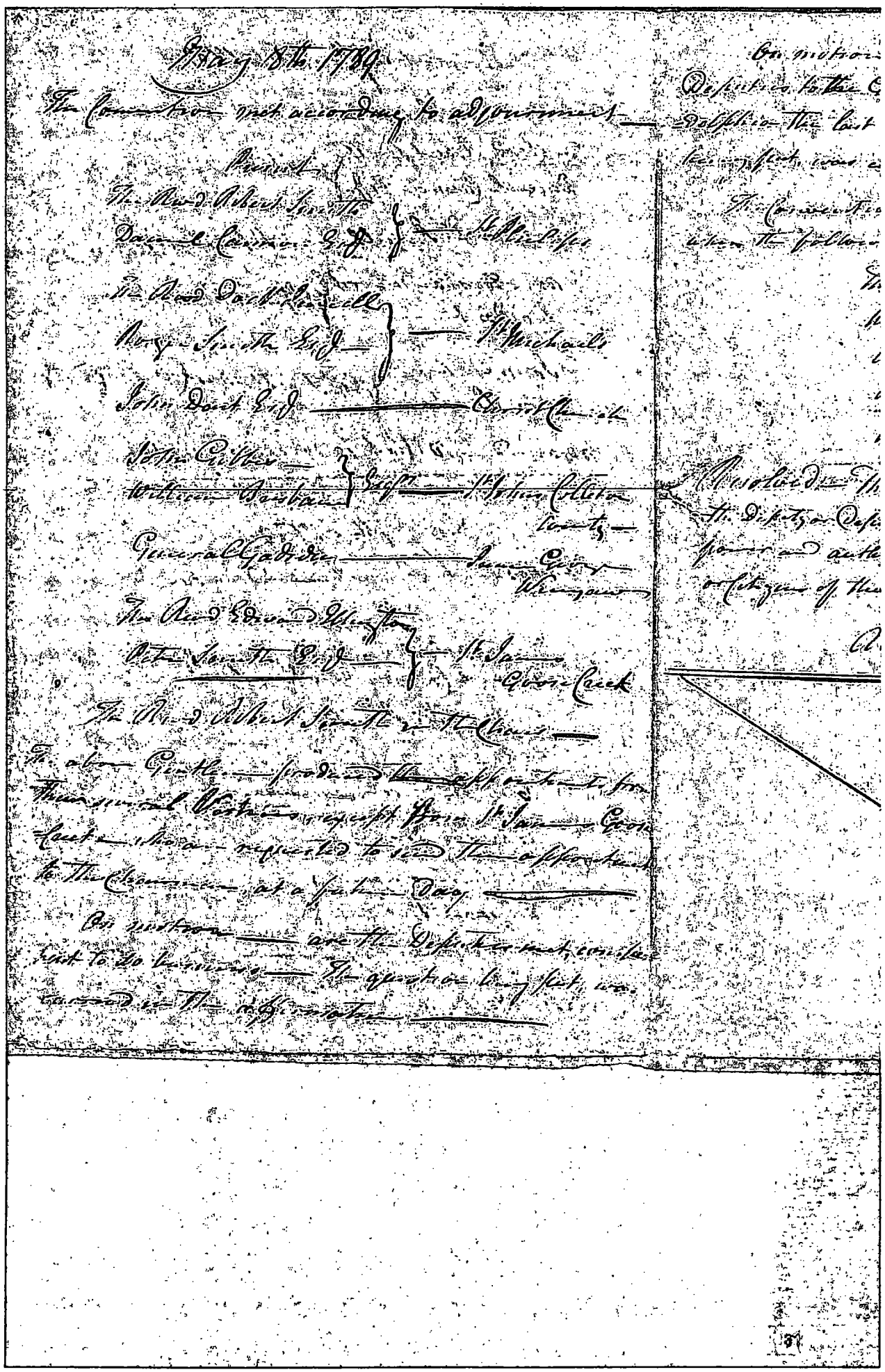

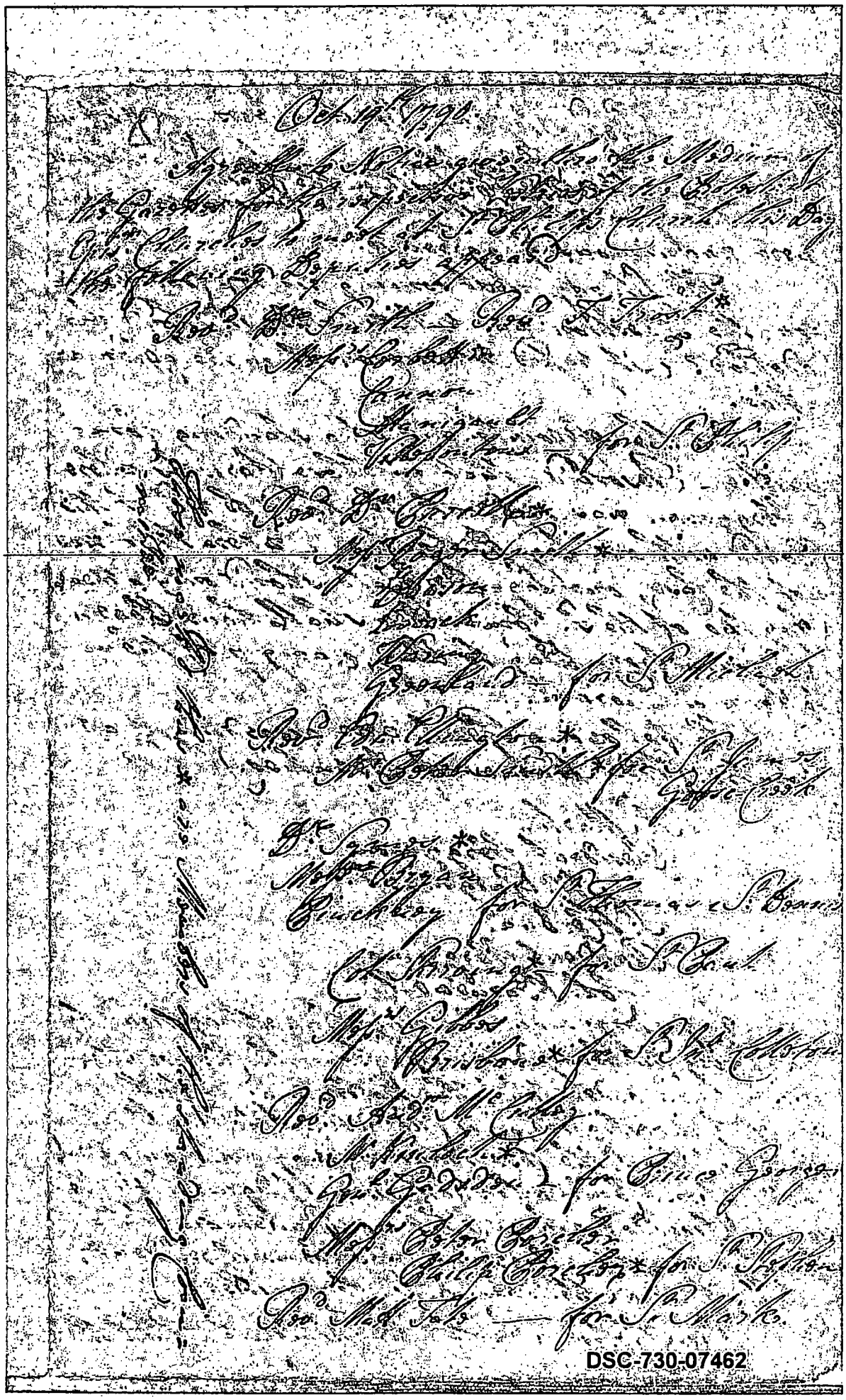

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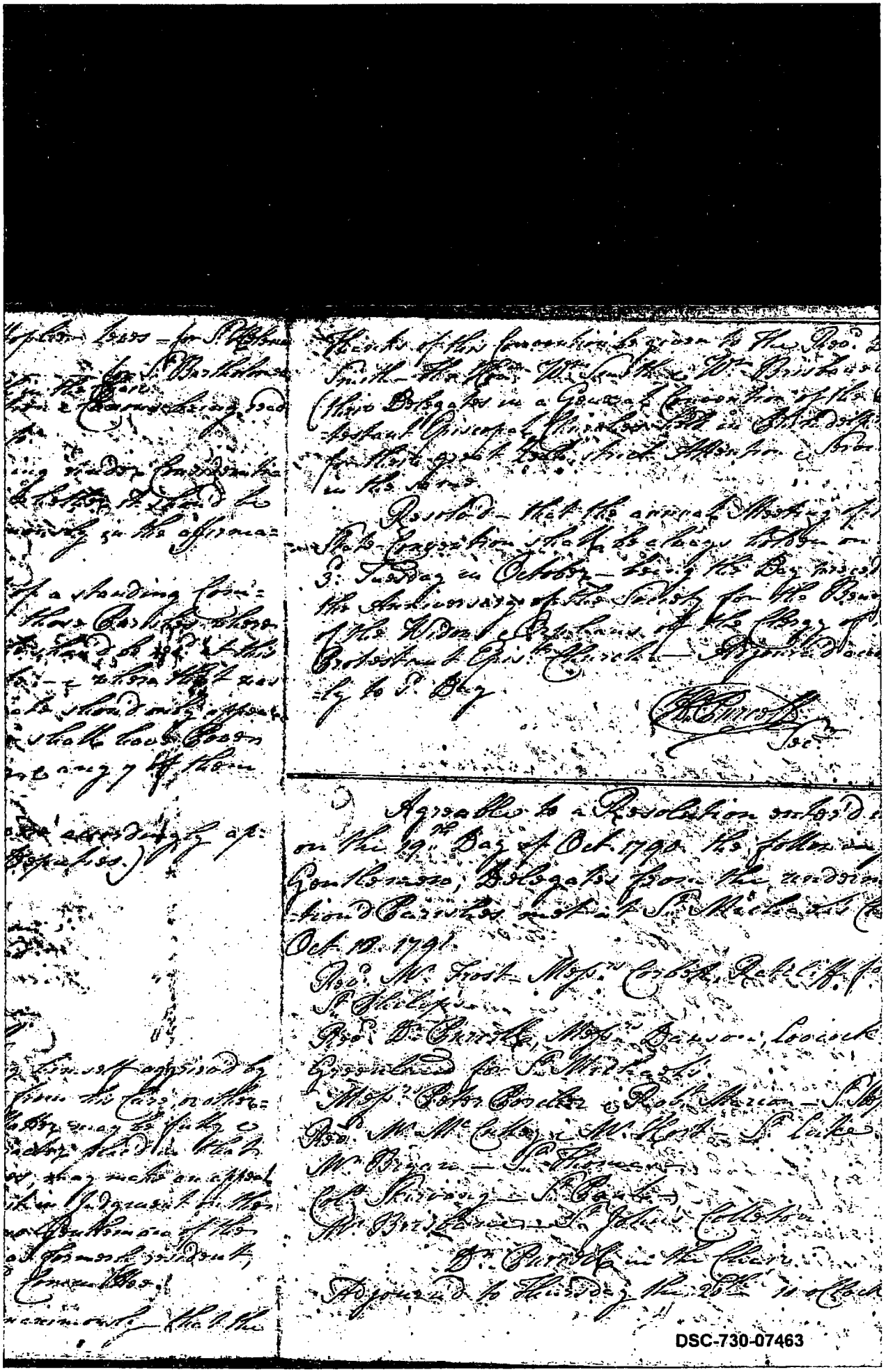

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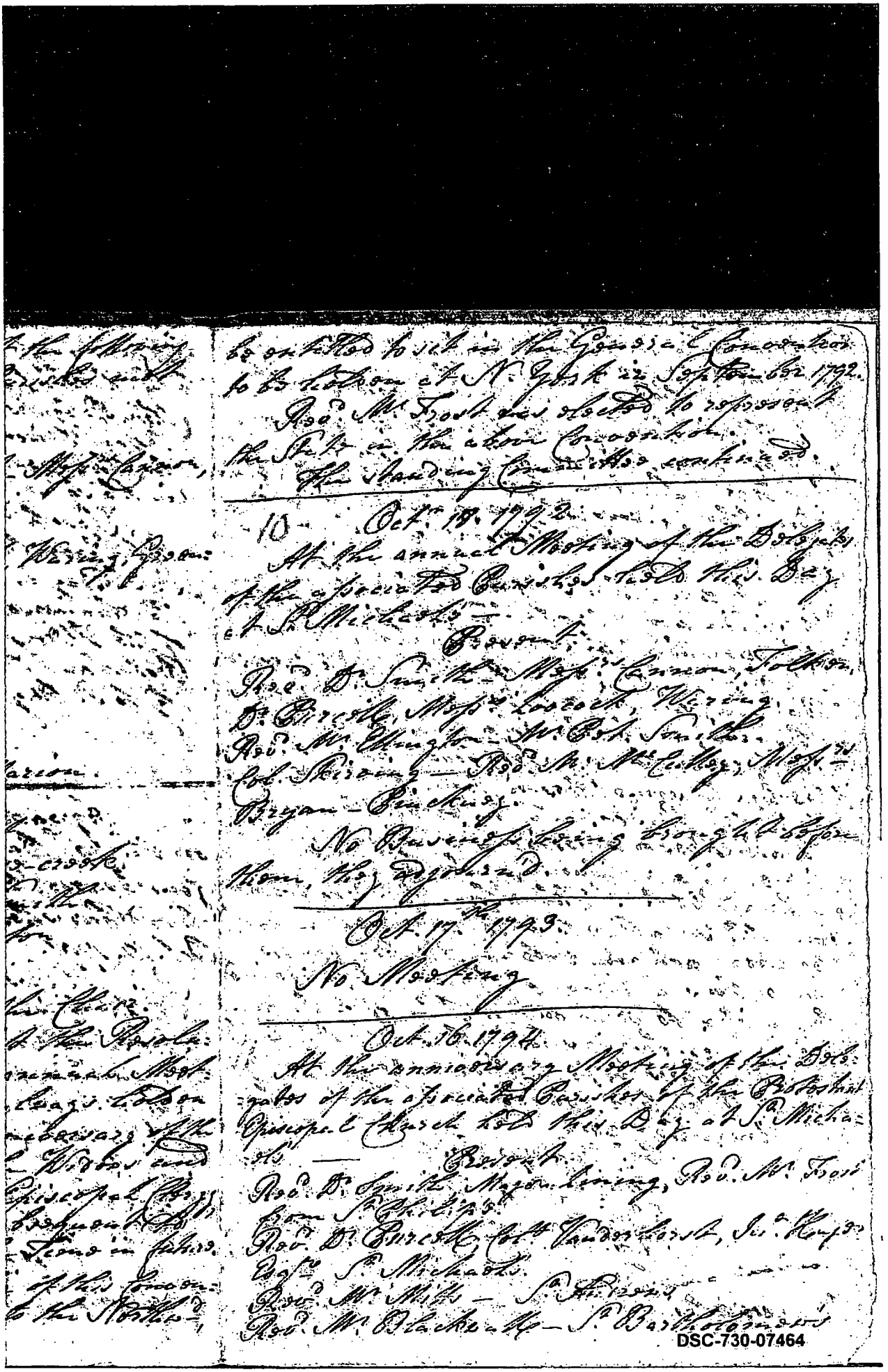

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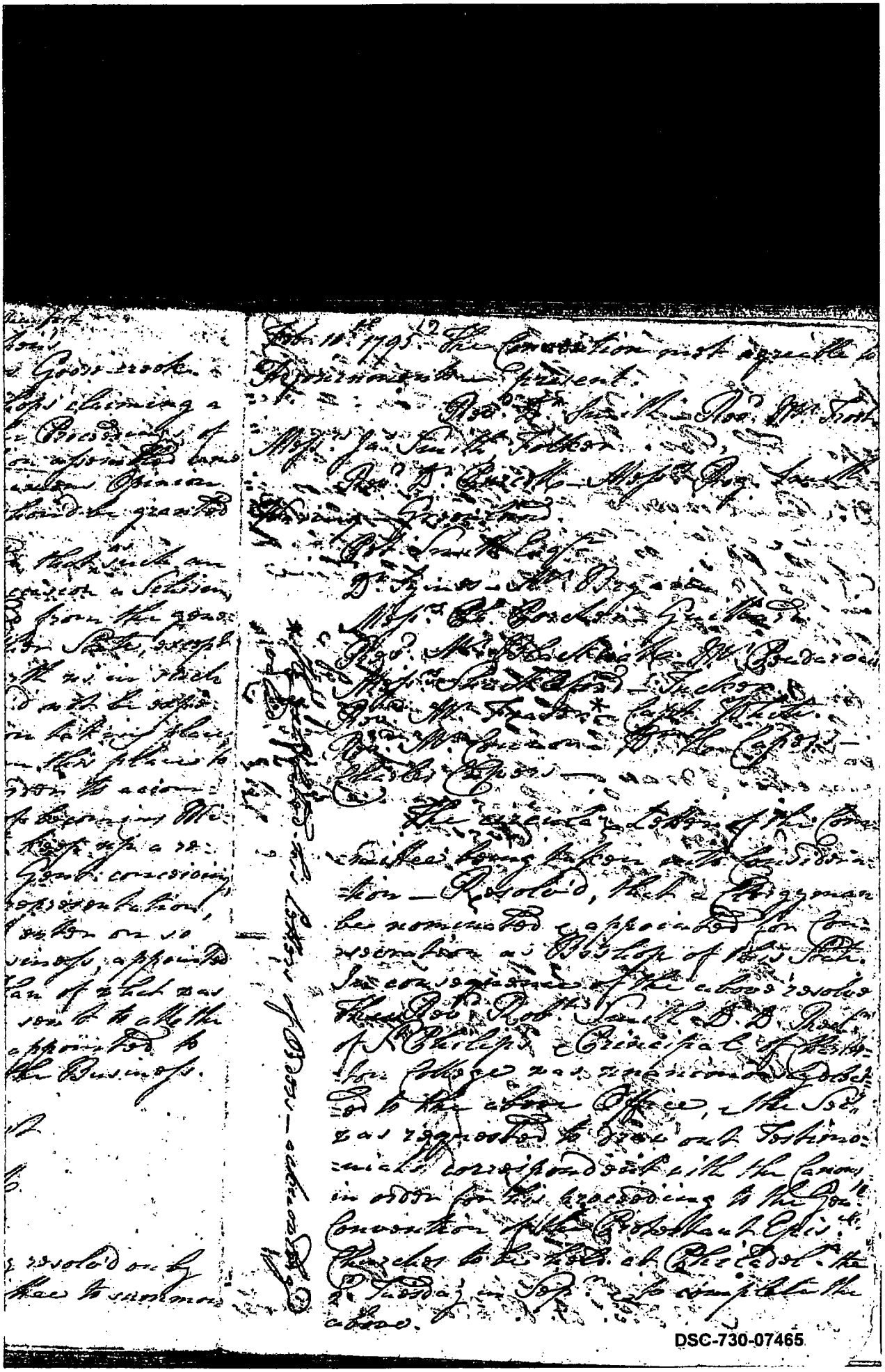

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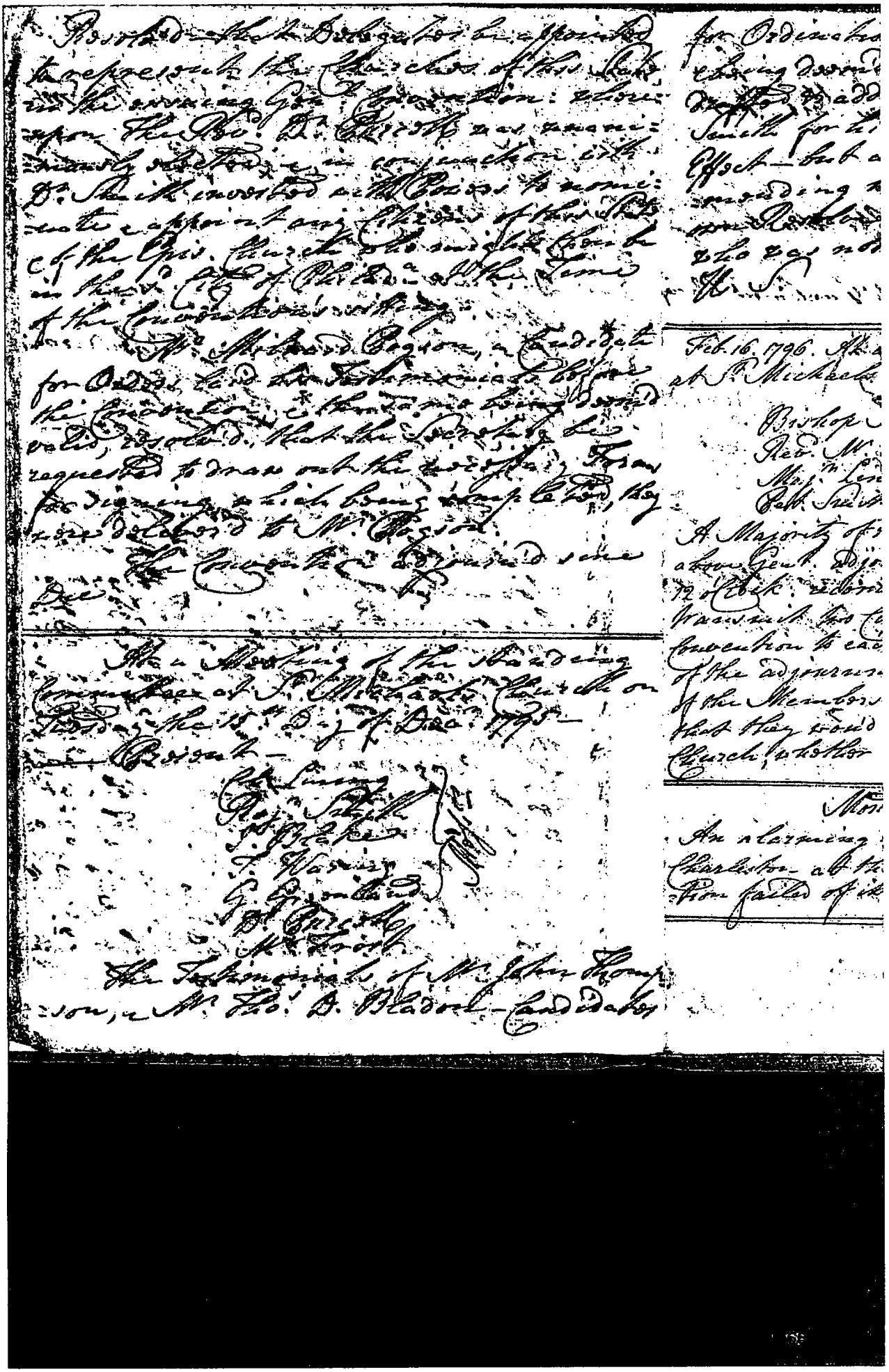


[redacted]

Feb. 16. 1796. At a Meeting of the Vestry of the Parish of St. Michael's Church

Bishop Smith — Mr. Gibbes
Rev. Mr. Frost — Mr. Corbett
Mr. Fenning — Roger Smith Esq.
Robt. Smith Esq. — Mr. Cannon

A Majority of the Parishioners not appearing, the adjourned to Monday the 15th Day of Aug. 12 o'Clock. Recommending that the Church Wardens procure Copies of the Laws of the Gen. Convention to each Church, requesting the Vestries of the respective Parishes, to signify if any of the Members thereof can attend, and that they would respectively favor the Rector of the Church with a Communication or not.

Monday August 15th 1796.

At a Meeting of a Majority of the Vestry of the Parish of St. Michael's Church at this Place, the above recommended Parish failed of its Effect, consequently no Meeting

DSC-730-07467

Annual Meeting

Memorial of the Dissenters from the Protestant Episcopal Churches in this State

In the City of Philadelphia 1795

Present

St Peters Bishop Rev. Dr Wm Smith

St Michaels Dr Parish Col. John Nagle Mr Grant Mr Wilcox

St Thomas Rev. Mr Thompson Mr Bryan

St Johns Berkley. Peter H Perkins

Henry Laurens

Edward Hartley Esq

Isaac Gouverneur

St Pauls Mr Skerrett

St Bartholomews Rev. Dr Blackwell Mr Yeager Mr Billings

St Georges Rev. Dr Post.

Bishop Smith in the Chair — The Journal of the General Convention held at Philadelphia September 1795 were read — The Letters of Consecration of the Right Reverend Absalom Dr Jones D.D were laid before the Convention — Read & approved —

The Letters of Ordination of the Revd. Peter Navarre Parker — Deacon — were read & approved.

The Minutes of the Standing Committee & Council of Advice in the State of Pennsylvania dated Sept. 30.

1795 Transmitted

and The Right

enclosing the ab

Consecration

By the Revd

Right Revd Dr

By

St Philips Bu

St Michaels Do

St Thomas Rec

St Johns Berkl Sam

St Bartholemews Rec

St James Rec

Prince George Rec

After considering th

Counsel of advice of Pa

the facts only relative

be inserted in the jour

having been discussed

at Philadelphia Septr

Philadelphia Sept

unity and Council of

that he had no mate

of the Church, in

1795 [illegible] to the Rt Revd Clergy there
[illegible] also Dr Purcells Letter to Dr Andrews
[illegible] The Rt Revd Dr White's Letter to Bishop Smith,
[illegible] the above and Dr Purcells Letter to the Rt
[illegible] to the Same of the
Rt Revd Dr Smith & Messrs Keating & Clark

By Adjournment

October 21. 1795

Present

St Philips — Bishop Smith, James Nevis, Thomas Radcliffe
St Michaels — Doct Purcell, John Hugee, Thomas Waring
St Thomas — Revd Mr Bomptson, John Bryan,
St John's Berkly — Sam Gourdin
St Bartholomews — Revd Mr Blackwell, Mr Frazer, Mr Bellinger
St James — Revd Mr Brown, Peter Smith
Prince George — Revd Mr Frost

After considering the contents of the Letter from the Standing Committee & Council of advice of Pennsylvania — Resolved Unanimously that the part only relating to the affair between Dr Purcell & St Andrews be inserted in the Journals, the other matters contained in the said Letter having been discussed & resolved upon by the general Convention convened at Philadelphia September 8th 1795

Philadelphia Sept 30 1795 — At a meeting of the standing Committee and Council of Advice convened upon a Notification from the Bishop that he had some matters of importance to communicate concerning the State of the Church, to Him for their consideration.

DSC/780-07469

Present

The Right Rev.d Doct.r White, Rev.d Doct.r Smith, Pres.t of the Council. — Doct.r Blackwell, D.r John Andrews D.r Hutchins, — Mr. Joseph Swift, Mr. Francis Gurney, Mr. Matt.w Allison, Mr. Richard North & Doct.r Chas. Maynard. —

The Bishop informed the Board, That he conceiving it to be his duty agreeably to the 2.d Canon of 1792 to Notify to the Bishop & Church in South Carolina, That certain offences against the Canons, & the good & peace of the Church, had been committed in this City, by Henry Purcell D.D. a Presbyter in the said State, — by a message and Letter sent by said Henry Purcell on the 26.th Sept.r to John Andrews D.D. V.P. of the University of Pensilvania, & a member of the late Gen.l Convention; the Originals of which Letters, with other Documents & Proofs relating thereto, were laid before the Board, by the Bishop, & are as follows, Viz.d

"Sir

Through the medium of Mr. Hall — a gentleman from S. Carolina, I give You an opportunity of making one ample reparation for the illiberal and injurious treatment, and the opprobrious epithets I was besprinkled with in the Convention from your mouth. I have waited with great patience the arrangement of that Board, in expectation that your affections, as a Gentleman, & as a Man of feeling, would have dictated to You some Apology to have turned away wrath: but every forbearance in this, like my silence in other instances, might be construed into Apathy & Pusillanimity, I am now constrained to give the Lye to the charge, & to adopt this Mode of demanding redress, previous my Embarkation for S. Carolina. —

For obvious reasons, I shall commit myself by drawing comments, but my friends, if need be, will write for them in your own — there is no room for Compliments from

Philadelphia Sept.r 26.th 1795

Yours &c.a

H. Purcell

The Rev.d John Andrews to him yesterday by a Mr. Purcell, Charlestown S.C. it to the Deponent, and th That the said Deponent conversation with the said Letter as a threat p injury to the said Depon

Whereupon the Board deliberation, & it appear himself, very unworthily might have terminated delivered to the Rev.d

Whereupon it was Blackwell, Mr. Gurney to desist the substance of the Bishop, respecting the so far as concerns the co they report to this Board a Saturday Oct.r 3. 1795 of, with some alterations, namely That the Bishop Conduct to the Bishop & Cl thereon agreeably to the 2. the Clergyman of any ot such way as is contrar Office. —

Smith, Pres. of the Council —
Hutchins, — Mr. Joseph Swift,
Richard Cook & Rob. Chand

That he conceiving it to be
2. to Notify to the Bishop of
offences against Sections Canon
been committed in this City, by
by a message, and de
to John Andrew
a member of the Cle
Letter, with other Documents
the Board, by the Bishop

Holt — a Gentleman from
making one step reparation
and this opprobrious epithet
from your mouth. I have waite
of that Board, in vain to
as a Man of feeling, would
now turned away with. but
in other instances, might be
am now constrained to give the
mending redress, & causing
Carolina. —
mit myself by drawing cuts
them in one can —

Signed
A. Purcell

Q.Q.

The Rev. John Andrews, on which Oath, Has the foregoing Letter and
to him yesterday by a Mr. Gile, who told him that it was from the Rev
Purcell, Charleston S. Carolina, now in this City, who desired him to
it to the Defendant, and to give him the Copy from the said Henry Purcell
That the said Defendant received the said Letter with what is
mation with the said Gile, at the time of the delivery of
said Letter, or a Threat from the said Henry Purcell to do a personal
injury to the said Defendant. —

(Signed) John Andrews

Whereupon the Board having had the same under their deliberate
consideration, & it appearing that said Henry Purcell has conducted
himself very unworthily, unprovoked & with an evil intention, & h
might have terminated in Bloodshed, caused the aforesaid Letter
delivered to the Rev. Doct. Smith.

Whereupon it was Voted, that Doct. Hobart Smith, Doct.
Beckwith, Mr. Isaac Jessup & Doct. Samuel Magaw, be a Co
to draft the substance of such a Letter as it may be proper for them to
the Bishop, requesting the execution of the 2d Canon of the Church
so far as concerns the conduct of said H. Purcell, in Attempting, &
him present to this Board at a Meeting to be held on Saturday next

Saturday Oct. 5. 1793. The Report of the Committee was read & app
& with some alterations & amendments, and thereupon Resolved un
unanimously That the Bishop be requested to Note the particulars of Doct. P
conduct in this Bishop's Church in South Carolina, that they may take
thereon agreeably to the 2d Canon which has made provision for the ca
of a "Clergyman of any other Diocese or District, conducting himself
in such way as is contrary to the Rules of the Church & disgraceful to h
Office".

Signed
William Smith
Chairman of the Joint Board

DSC-730-0747.1

On Motion — Resolved that the above minutes of Letters be now taken up.

A Letter was presented to the Chair by the Rev. Doct. Purcell requesting that the contents be published.

On Motion — Resolved the same be read.

I do hereby most sincerely acknowledge that I am extremely sorry for the disagreeable altercation that happened at the time of the late funeral Oration at Philadelphia, & for the same I wished to ask your pardon.

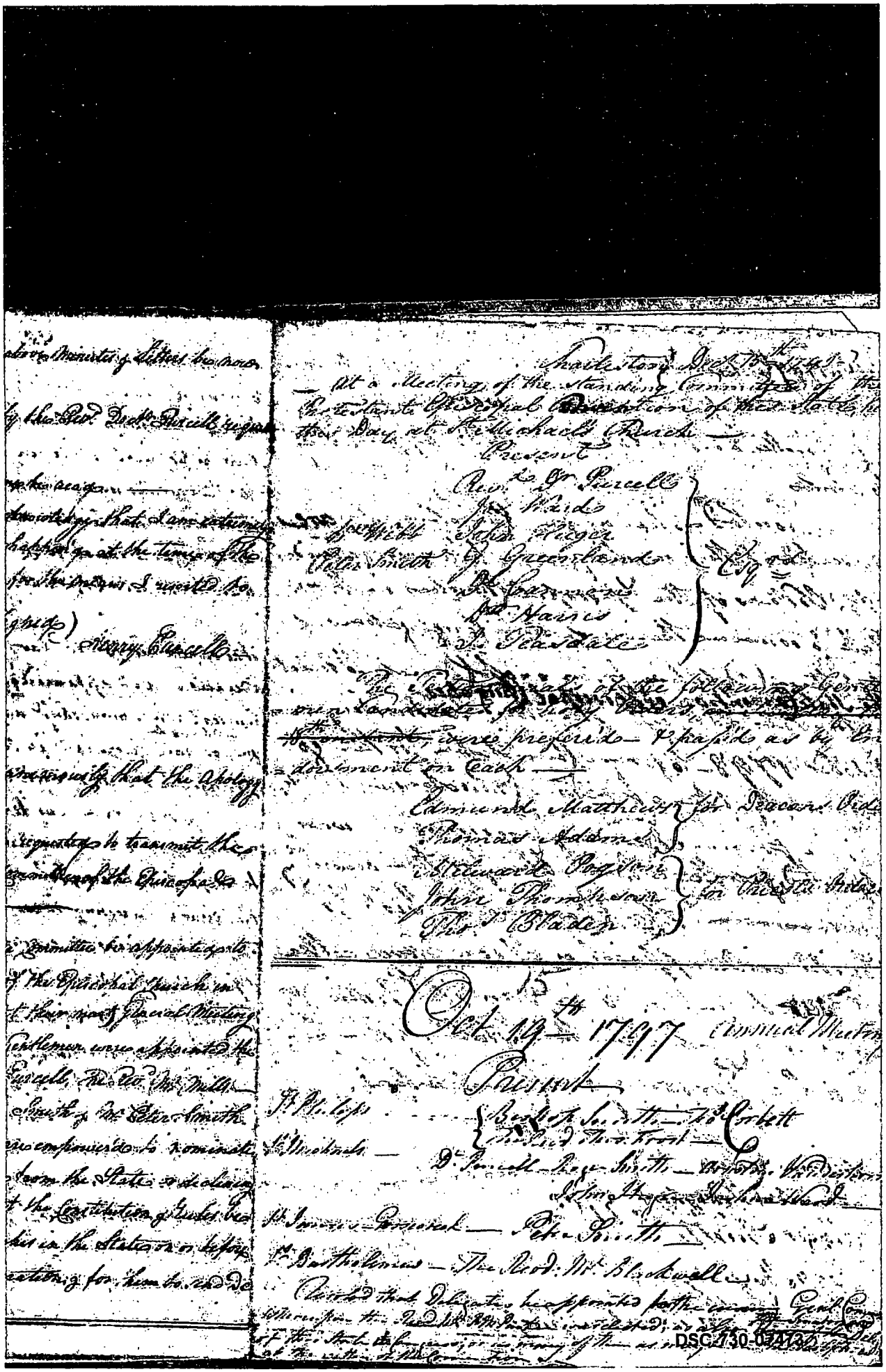
Charleston (Signed) Wm. Purcell
in Convention
at Bishop Smiths
Oct. 21. 1795

On Motion — Resolved unanimously that the Apology made by Doct. Purcell be accepted.

Resolved that Bishop Smith be requested to transmit the above Minutes to the Bishop presiding over the Episcopal Church in the State of Pennsylvania.

On Motion — Resolved that a Committee be appointed to form a Constitution & Rules for the Government of the Episcopal Church in this State to be laid before the Convention at their next General Meeting in October 1797 — The following Gentlemen were appointed the Committee — Bishop Smith, Doct. Purcell, Rev. Mr. Mills — The Rev. Mr. Frost, & Messrs. Mr. Roger Smith & Mr. Peter Smith.

Resolved, That the Committee are empowered to nominate & appoint others in case of Death, absence from the State or declining to act of any member or members. And that the Constitution & Rules be formed, printed & read to the Episcopal Churches in the State on or before the last day of March next for their consideration, & for them to send the Minutes to the next Gen[l] Convention.



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Oct 19. 1797 Continued

The Journals of the last Week were read

The Committee on the Oath reported by presenting the Oath

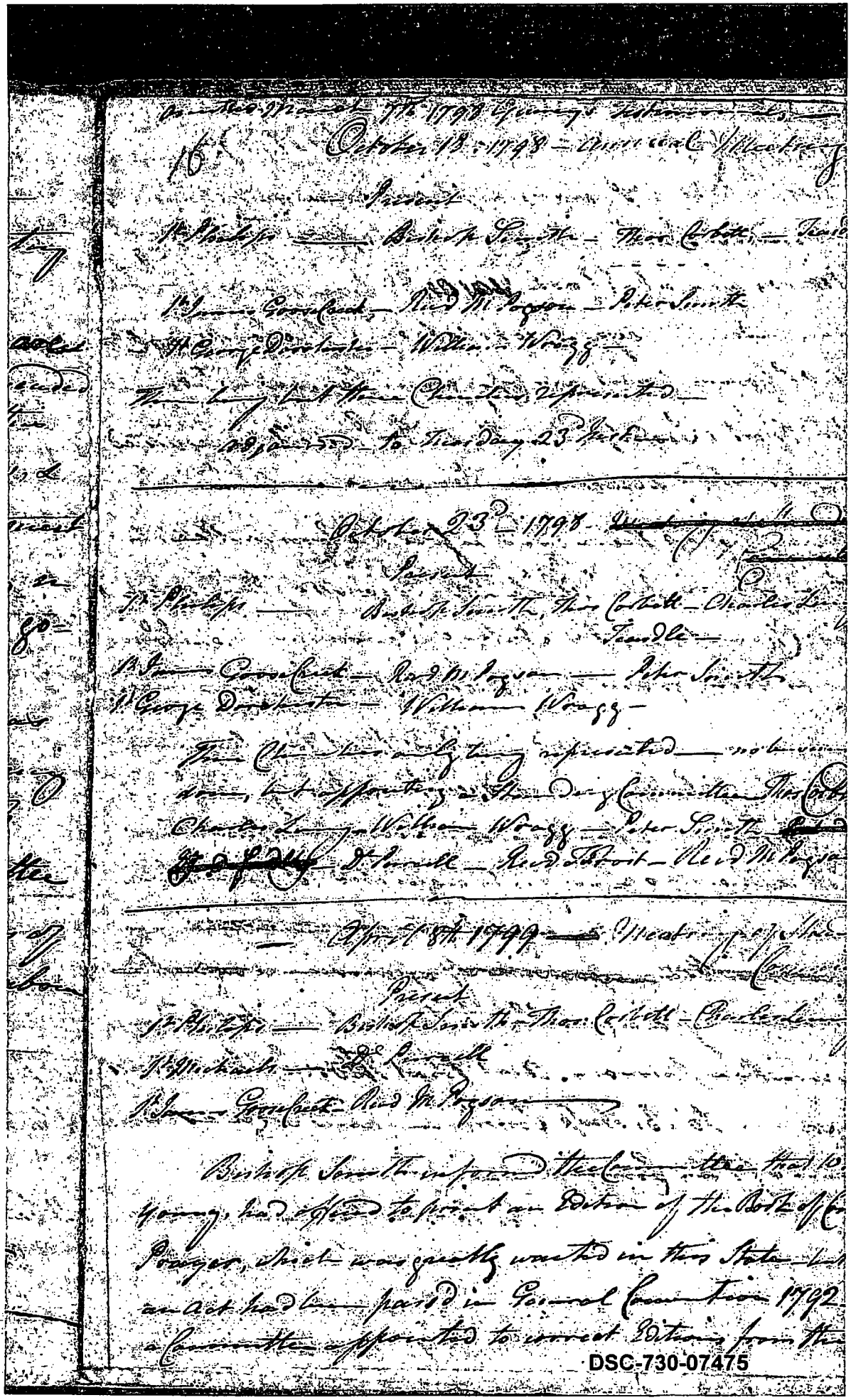
Resolved That in future Elections only one person shall be proposed at the same time — the nomination to the Vestries of the Episcopal Churches in this State to remain the same as heretofore

That the Deputies from each Church to meet the State Convention of Episcopal Churches on the Thursday after the first Wednesday in October 1798 to form a Constitution for the Government of the aforesaid Churches

The Rev. Abraham Beach was appointed to the Chair for the ensuing Year — The Chairman Bishop Seabury will appoint a Special Committee of three Members to inform the Vestries of the several Churches in this State of the above Resolution for forming a Constitution

Thomas Tibbits
Daniel Hubbard
Richard Dickins
Roger Sherman
John Auger
Peter Sheffield

Committee for the above purpose



DSC-730-07475

Resolved that the application be complied with, & the Standing Committee appointed to attend the Convention, at New York on the 2d Tuesday of October next be requested to attend the said Convention.

Resolved that the Secretary inform the Rev. Dr. Provoost & the Rev. Dr. Parker of the above Resolution.

Resolved that the Rev. Dr. Smith & Dr. Purcell be requested to officiate as Chaplains to the House of Deputies during the present session.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Sunday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Monday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Tuesday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Wednesday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Thursday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Friday next, in the Church in which the Bishop officiates.

Resolved that the Rev. Dr. Smith be requested to preach a Sermon before the Convention on Saturday next, in the Church in which the Bishop officiates

[redacted]

[illegible] for 1792).

[illegible] Dr. Purcell — Parish — June 13th 1799

Thos. Corbett —

John Smith —

Chas. Lee —

The Petitions of William Best a Candidate for [illegible] and Edward Matthews for Precincts [illegible] were [illegible] preferred, & laid on the Table for [illegible] The Citizenship of the former & the Age of the latter, being first ascertained to the Bishop. —

[illegible]

[illegible] of Committee of Corporation for Publishing the Journals.

DSC-730-07477

Last Sentence instead of Immediately
in our Lives read these Words as may appear
by an Humble Holy and Watchful Life, for these ends Prayers

Article 11.

Expunge the Words both — after with — & after mans nature read the
words by humbling himself to be born of the blessed Virgin & thereby became perfect
man as the Creed —

2?

All the Ordinances and the Words of Christ are more sacred in the
Church —

3?

Add the Words through and after mankind

18

Instead of Christian Men read Priests —

signed { Hr Ewalle
Rec. of St. Michaels
Edwd Bluet Fowle
Rec. of St. Thomas Jenkins
Rob. Smith

Communion Service

Part of the Rubrick at the conclusion of the Service for new private Christians — and marked thus* at the beginning of the Rubrick — expunge — the words each before, down to the Communion — Rubrick Inclusive — Daily Service in the Church, instead of, Guilty of the Blood &c as often after as monthly, Prayer thus, for Christ's sake prepare the Way &c and &c

Private Baptism

In the form before, for the adult Administration, read thus — & grant that all Children already or hereafter to be born in this Church & y. our Prayers &c — The Rubrick wholly expunged

The words must the Words by me & me and monthly — These alterations will apply to the Baptism of Adults as well as Children —

In the Administration of the Water, instead of these, read — Name child I baptize / In Rubrick, expunge, and wholly

Catechism

Make the alteration in Explanation of Lords Prayer Instead of our Heavenly and Daily &c. Temporal and Spiritual and Eternal, Expunge, from our Heavenly Enemy — To preserve the analogy in the answer, of Sign & the reason of the Sacrament Baptism read Water wherewith, instead of Water wherein —

Confirmation

Omit the word Heavenly —

Matrimony

After the words daily blessed with Plenteousness, read as follows "The holy State of Matrimony instituted of God, is not by any to be entered into unadvisedly or lightly but reverently and duly, in the fear of God — Humbly to desire and Charge &c that you you come to the same coupled, which read united Whereas God hath allowed Man marriage it is not Lawful — Expunge the Rubrick, between the mutual stipulate of the Man and Woman — Let the man with his right Hand take that Woman by his right Hand, they being accordingly answered to each other — as follows The Man on the Woman's part say — with this Ring I wed thee, in the Name of the Father and of the Son & of the Holy Ghost —

Burial

Rub. the Office is not printed at large — recommend that it be — Expunge in the Rubrick — Lying Office &c — Query? whether the Words as our Hope is this our Brother doth — is not Orthographical Error —

4th of July

Expunge the Words in the Collect — all Churches of this Land —

DSC-730-07479

The Committee appointed to examine the Alterations of the Liturgy, as left first by the general Convention held at Philadelphia. — Report —

That the Consideration thereof be taken up this afternoon for Immediate Consideration.

The first Sentence, through out in Gothic Letters, to be hereafter reading to Morning Prayer

liturgy of the said Church —

Artcle 4th That the Succession of the Ministry be agreable to the usage which requireth the three orders of Bishops Priests and Deacons (with an Exception ~~hereby~~ hereby to the Establishing of Bishops in this ~~State~~) that the Rights and Powers of the same be respectively ascertained and that they be exercised according to reasonable Laws to be duly made —

Artcle 5th That to make Regulations Rules and Laws there be no other Authority than that of a Representative Body of the Clergy and Laity conjointly —

Artcle 6th That no power be delegated to a General Ecclesiastical Government except such as can not be exercised by the Clergy and Laities in their Respective Congregations —

Done in the City of Charleston this 31st Day of May 1786

Witness our Hands —

Robert Smith Rector of Charles Parish
Thomas Tait
Daniel Cannon

Deputies for St Philips Church Charleston —

May 31st 1786 Robert Smith
Thomas Tait
Daniel Cannon

1786 June 17 Hugh Swinton
Archd Wilkie
James Carmichael

1786 Edwd Billingsley Rector
May 31 Peter Smith

Wm Smith Rector
John Lyons
Hopson Sweeny

John J. Pringle
Wm Day

Alexander Dupont

1786 June 22 Thomas Hill Rector
Wm Stone

Gabriel Lewis Rector
Wm Gibbes
Wm Gibbes
John Gibbes
Wm Gibbes
John Jas Allen Dart. for the

Whereas in all Societies professing Christianity
the promotion of Religion should principally engage their sincere at-
tion, as being the sure and only means of rendering them acceptable
to Almighty God & of drawing his Blessing upon the Community
at large; And Whereas agreable to the Constitution of the
State, all persons & religious Societies who acknowledge that there
is a God and a future State of Rewards and Punishments and
that God is publickly to be worshipped shall be freely tolerated
We the Subscribers by Virtue of the Power
Commission and powers to us duly delegated by the Ordina
of our respective Protestant Episcopal Churches do on
behalf of the said Churches Associate and obligate our-
selves to an Observance of the following Articles as fun-
damental and essential

Article 1st That the Protestant Episcopal Church in those
States is and ought to be independent of all foreign
Authority Ecclesiastical or Civil —

Article 2d That it hath and ought to have in common with
all other Religious Societies full and exclusive powers
to regulate the Concerns of its own Communion —

Article 3d That the doctrines of the Gospel be maintained as now
professed by the Church of England and Uniformity of
Worship be continued as near DSC-7800482 to the

DSC 57 - Journal of the Diocese's Annual Convention (1973) (excerpts)

PLAINTIFF'S
EXHIBIT
Diocese -57
PENGAD 800-631-6989

THE PROTESTANT EPISCOPAL
DIOCESE OF SOUTH CAROLINA

Journal

OF THE

One Hundred Eighty-Third Annual Meeting

OF THE

CONVENTION

October 26-27, 1973
Holy Trinity Church, Charleston

VOLUME I
AGENDA AND PRE-CONVENTION REPORTS

DSC-J-313-14304

1265

THE PROTESTANT EPISCOPAL
DIOCESE OF SOUTH CAROLINA

Journal

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VOLUME I
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PUBLISHED FOR THE CONVENTION
BY THE SECRETARY

DSC-J-313-14305

Mr. Tisdale reported the Committee on Constitution and Canons had also received for consideration the following: *A new Standing Resolution 14, having to do with the Board of Trustees of the Porter Academy; a Resolution having to do with the incorporation of the Diocese; and a Resolution amending Section 10 of Rule of Order Number 1.*

The Chair stated that Convention would hear the report and recommendations of the Committee on Constitution and Canons on the second day and would take action on these recommendations at that time.

Report of the Committee of the State of the Church was submitted by the Rev. Dr. Thorne Sparkman, Chairman. (Appendix VIII, Volume II, Journal of the 183rd Convention.)

The Chair now called for the introduction of resolutions for referral to committee. The Convention Secretary reported one resolution submitted by the Reverend John Buchanan, Rector of St. Matthew's Church, Darlington, having to do with the stipends of clergy on the Diocesan Staff. The Chair referred this resolution to the Committee on Finance of the Convention for study and recommendation.

The Chair next called for the report of the Credentials Committee for the Clergy. The Reverend J. Walter Thomas, Chairman, reported 61 clergy present, duly qualified to the privileges of seat, voice and vote in this Convention. Due to the illness of the Rector the Parochial Report of St. Luke's, Hilton Head, was received by the Secretary of the Convention after the canonical deadline. The Committee moved that the Rev. Dr. Thorne Sparkman be given the privileges of seat, voice and vote in this Convention under Section 2, Article III of the Constitution. This was seconded and approved.

The Chairman of the Credentials Committee for the Laity, Mr. C. B. Provost, reported 163 lay deputies present and duly qualified to the privileges of seat, voice and vote. He moved that the deputies from St. Luke's, Hilton Head be given the privileges of seat, voice and vote in this Convention. This was seconded and approved.

The Report of the Nominating Committee, the Reverend Stephen L. Skardon, Chairman, was given at this time, after

1266

which additional nominations were received from the floor for the following positions: Bishop and Council, three clergymen for three years and three lay persons for three years; Standing Committee, five clergy for one year and five laymen for one year; The Episcopal Church Home, one layman for three years; The Episcopal Church Home for Children, one clergyman for three years, one laywoman for three years, one layman for three years; The University of the South Trustee, one layman for three years; Porter-Gaud School, one layman for four years. Nominations for the Protestant Episcopal Society for the Advancement of Christianity to be elected by the Society at its meeting in January, 1974, one clergyman for one year to fill the unexpired term of the Reverend Warwick Aiken, Jr., four lay persons for a three-year term.

Nominations were then closed.

Following the preparation of ballots, balloting continued during the sessions until all elections were completed. (Appendix X, Volume II, Journal of the 183rd Convention.)

The Chairman of the Committee on Courtesy, the Reverend G. Markis House, requested the Convention to submit to his Committee the names of persons to whom the Committee should send messages of greeting on behalf of the Convention.

The Secretary of the Convention moved that Convention confirm the following appointments to St. John's Board by the Bishop: Mrs. Carol Duell, Mr. John Bowden, Mr. David Maybank, Jr. This was seconded and approved.

The Secretary of the Convention moved the confirmation of Mr. Douglas Parsons to be a Trustee of St. Mary's College, Raleigh, North Carolina for a three-year term. This was seconded and approved.

The following reports were presented to the Convention:

Report of the Reverend Canon George I. Chassey (Appendix III, Volume II, Journal of the 183rd Convention).

Report of the Reverend Canon Earl S. Wicks (Appendix IV, Volume II, Journal of the 183rd Convention).

Following announcements concerning the afternoon and evening sessions, the Convention recessed for lunch which was served in the cafeteria of Porter-Gaud School.

DSC-J-313-14373

BE IT RESOLVED, That Section 3 of Canon XVII be amended so as to read as follows:

The Department shall act as a Council of Advice to the Bishop and to Bishop and Council in the financial matters of the Diocese.

Seconded and approved in both orders.

The Committee recommended the adoption of a new Standing Resolution Number 14, as follows:

RESOLVED, That the Convention elect to the Board of Trustees of The Porter Academy one Clergyman and one lay person each to serve for a term of four (4) years and thereafter upon the expiration of said terms or in the event a vacancy occurs during a term of office of one of the individuals so elected, the Convention will elect a person to fill the unexpired term of such person provided, however, that in the event it becomes necessary to fill the unexpired term of a Clergyman, the successor to him shall be a clergyman, and if said vacancy occurs during the term of the lay person so elected, a lay person shall be elected to fill the unexpired portion of said term. And be it further RESOLVED, That the Diocese of South Carolina, in recognition of the historic close affiliation between it and The Porter Academy continue in such relationship and continue to develop mutually beneficial programs with a view toward serving the mutual purposes of both institutions.

Seconded and approved in both orders.

The Committee recommended the adoption of the following resolution concerning incorporation of the Diocese.

BE IT RESOLVED, That the Protestant Episcopal Diocese of South Carolina does hereby appoint the Right Reverend Gray Temple and the Reverend Canon George I. Chassey, Jr., or their respective successors in office, and directs them to apply to the Secretary of State of South Carolina for a certificate of incorporation for The Protestant Episcopal Diocese of South Carolina, with all rights, powers, privileges and immunities, and

subject to all limitations and liabilities conferred by Chapter 13, Title 12, Code of Laws of South Carolina, 1962 and Acts amendatory thereto; and to give the required three (3) days' notice in the News and Courier, a newspaper published in the County of Charleston.

BE IT FURTHER RESOLVED, That the Declaration and Petition for the incorporation of The Protestant Episcopal Diocese of South Carolina state that the purpose of the corporation is "for the purpose of operating an Episcopal Diocese under the Constitution and Canons of the Protestant Episcopal Church in the United States of America. Seconded and approved in both orders.

The Committee reported it had considered the amendment to Paragraph 10, Rule of Order Number One and asked to be discharged from further consideration of this matter. (See Appendix XIV, Volume II, Journal of the 183rd Convention).

The Reverend Samuel C. W. Fleming moved reconsideration of the original resolution. This was seconded. The Very Reverend Melvin Hyman offered a substitute motion that Section (c) be changed to "majority vote", rather than "unanimous vote." This motion lost. Debate returned to the original motion which was presented by Father Fleming. Dr. Allan Horres, deputy from the Church of the Holy Communion, Charleston, moved a substitute motion that this matter be referred back to the Committee on Constitution and Canons for futher study, with recommendations to be brought by the Committee to the 184th Convention. This was seconded and approved. (Appendix XIV, Volume II, Journal of the 183rd Convention.)

The following were submitted to Convention:

The Report of Canterbury House by Colonel Joseph Fishburne, Manager, Page 85, Volume I, Journal of the 183rd Convention.

The Report of the Church Home for Children, the Reverend Richard Dority, Page 87, Volume I, Journal of the 183rd Convention.

The Report of the Episcopal Church Home, the Reverend Edward Guerry, Page 88, Volume I, Journal of the

DSC-J-313-14378

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DSC 59 - Summary of Convention Voting on Certain Resolutions

PLAINTIFF'S EXHIBIT Diocese-59
PENGAD 800-631-6989

March 2010

	Subject	Parish/Mission	Clergy
R-2	PB intrusions/ Diocese is sovereign	majority	majority
R-3	Diocese C&C can only be interpreted by the EA and that decision is final	47/55 (85%)	95/101 (94%)
R-4	Generous pastoral response	49.5/55 (90%)	94/6 (94%)

October 2010

	Subject	Clergy	Parish/Mission
R-6	Amend Constitution (1st Vote)	majority	majority
R-8	Amend Canons	87/97 (90%)	47/54.5 (86%)
R-10	Amend Canons	89/95 (94%)	48.5/53.5 (91%)
R-11	Change corporate purpose	majority	majority

November 17, 2012
Special Convention

	Subject	Clergy	Parish/Mission
R-1	Affirm disassociation from TEC	majority	majority
R-2	Amend Constitution (1st Vote)	majority	majority
R-3	Amend Canons	71/74 (96%)	42/47 (89%)

DSC 60 - South Carolina Constitution (1778)

PLAINTIFF'S EXHIBIT
Diocesi - 600
PENGAD 800-631-6989

THE

STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

THOMAS COOPER, M. D.—L. L. D.

VOLUME FIRST,

CONTAINING ACTS, RECORDS, AND DOCUMENTS OF A

CONSTITUTIONAL CHARACTER,

ARRANGED CHRONOLOGICALLY.

COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON.
1836.

THE CONSTITUTION OF SOUTH CAROLINA,

19TH MARCH, 1778.

[*See Pamphlet Laws, Reports and Resolutions*, 1823, *p.* 156 *et seq.*]

SOUTH CAROLINA.

At a General Assembly begun and holden at Charlestown, on Monday the fifth day of January, in the year of our Lord one thousand seven hundred and seventy-eight, and from thence continued by divers adjournments to the nineteenth day of March, in the year of our Lord one thousand seven hundred and seventy-eight.

An Act for establishing the Constitution of the State of South Carolina.

Whereas, the constitution or form of government agreed to and resolved upon by the freemen of this country, met in Congress the twenty sixth day of March, one thousand seven hundred and seventy six, was temporary only, and suited to the situation of their public affairs at that period, looking forward to an accommodation with Great Britain, an event then desired. And whereas, the United Colonies of America have been since constituted independent states, and the political connexion heretofore subsisting between them and Great Britain entirely dissolved by the declaration of the honourable the Continental Congress, dated the fourth day of July, one thousand seven hundred and seventy six, for the many great and weighty reasons therein particularly set forth. It therefore becomes absolutely necessary to frame a constitution suitable to that great event.

Be it therefore constituted and enacted, by his Excellency Rawlins Lowndes, Esq. President and Commander in Chief, in and over the State of South Carolina, by the honourable the legislative council and General Assembly, and by the authority of the same:

That the following articles agreed upon by the freemen of this state, now met in general assembly, be deemed and held the constitution and form of government of the said state, unless altered by the legislative authority thereof, which constitution or form of government shall immediately take place and be of force from the passing of this act, excepting such parts as are hereafter mentioned and specified.

CONSTITUTION OF 1778.

I. That the style of this country be hereafter, the State of South Carolina.

II. That the legislative authority be vested in a general assembly, to consist of two distinct bodies, a senate and house of representatives, but that the legislature of this state, as established by the constitution or form of government, passed the twenty sixth of March, one thousand seven hundred and seventy six, shall continue and be in full force until the twenty ninth day of November ensuing.

III. That as soon as may be, after the first meeting of the senate and house of representatives, and at every first meeting of the senate and house of representatives thereafter, to be elected by virtue of this constitution, they shall jointly in the house of representatives, choose by ballot from among themselves or from the people at large, a governor and commander in chief, a lieutenant-governor, both to continue for two years, and a privy council, all of the protestant religion; and till such choice shall be made, the former president or governor and commander in chief, and vice president or lieutenant governor as the case may be, and privy council, shall continue to act as such.

IV. That a member of the senate or house of representatives, being chosen and acting as governor and commander in chief, or lieutenant governor, shall vacate his seat and another person shall be elected in his room.

V. That every person who shall be elected governor and commander in chief of the state, or lieutenant-governor, or a member of the privy council, shall be qualified as followeth; (that is to say,) the governor and lieutenant-governor shall have been residents in this state for ten years, and the members of the privy council, five years, preceding their said election, and shall have in this state, a settled plantation or freehold in their, and each of their own right, of the value of at least ten thousand pounds currency, clear of debt, and on being elected, they shall respectively take an oath of qualification in the house of representatives.

VI. That no future governor and commander in chief who shall serve for two years, shall be eligible to serve in the said office after the expiration of the said term, until the full end and term of four years.

VII. That no person in this state shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, (except in the militia) either in this or any other state, or under the authority of the continental congress, at one and the same time.

VIII. That in case of the impeachment of the governor and commander in chief, or his removal from office, death, resignation or absence from the state, the lieutenant governor shall succeed to his office, and the privy council shall choose out of their own body, a lieutenant-governor of the state. And in case of the impeachment of the lieutenant governor, or his removal from office, death, resignation or absence from the state, one of the privy council, to be chosen by themselves, shall succeed to his office until a nomination to those offices respectively, by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was appointed.

IX. That the privy council shall consist of the lieutenant-governor for the time being, and eight other members, five of whom shall be a quorum, to be chosen as before directed; four to serve for two years, and four for one year, and at the expiration of one year, four others shall be chosen in the room of the last four, to serve for two years, and all future mem-

bers of the privy council shall thenceforward be elected to serve two years, whereby there will be a new election every year for half the privy council, and a constant rotation established; but no member of the privy council who shall serve for two years, shall be eligible to serve therein after the expiration of the said term, until the full end and term of four years; *provided always*, that no officer of the army or navy in the service of the continent or this state, nor judge of any of the courts of law, shall be eligible, nor shall the father, son or brother to the governor for the time being, be elected in the privy council during his administration. A member of the senate and house of representatives being chosen of the privy council, shall not thereby lose his seat in the senate or house of representatives, unless he be elected lieutenant-governor, in which case he shall, and another person shall be chosen in his stead. The privy council is to advise the governor and commander in chief when required, but he shall not be bound to consult them unless directed by law. If a member of the privy council shall die or depart this state during the recess of the general assembly, the privy council shall choose another to act in his room, until a nomination by the senate and house of representatives, shall take place. The clerk of the privy council shall keep a regular journal of all their proceedings, in which shall be entered the yeas and nays on every question, and the opinion with the reasons at large, of any member who desires it; which journal shall be laid before the legislature when required by either house.

X. That in case of the absence from the seat of government, or sickness of the governor and lieutenant-governor, any one of the privy council may be empowered by the governor, under his hand and seal, to act in his room, but such appointment shall not vacate his seat in the senate, house of representatives or privy council.

XI. That the executive authority be vested in the governor and commander in chief, in manner herein mentioned.

XII. That each parish and district throughout this state, shall, on the last Monday in November next and the day following, and on the same days of every succeeding year thereafter, elect by ballot one member of the senate, except the district of St. Philip and St. Michael's parishes, Charleston, which shall elect two members; and except also the district between Broad and Saluda rivers, in three divisions viz: the Lower district, the Little River district, and the Upper or Spartan district, each of which said divisions shall elect one member; and except the parishes of St. Matthew, and Orange, which shall elect one member; and also except the parishes of Prince George and All Saints, which shall elect one member: And the election of senators for such parishes respectively, shall, until otherwise altered by the legislature, be at the parish of Prince George for the said parish and the parish of All Saints, and at the parish of St. Matthew for that parish and the parish of Orange; to meet on the first Monday in January then next, at the seat of government, unless the casualties of war, or contagious disorders, should render it unsafe to meet there, in which case, the governor and commander in chief for the time being, may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting; and to continue for two years from the said last Monday in November; and that no person shall be eligible to a seat in the said senate unless he be of the protestant religion, and hath attained the age of thirty years, and hath been a resident in this state at least five years. Not less than thirteen members shall be a quorum to do business, but the president or any three members may adjourn from day to day. No person who resides in the parish or district for which he is elected, shall take his seat in the

Constitution of 1778.

senate, unless he possess a settled estate and freehold in his own right in the said parish or district, of the value of two thousand pounds currency at least, clear of debt; and no non resident shall be eligible to a seat in the said senate, unless he is owner of a settled estate and freehold in his own right, in the parish or district where he is elected, of the value of seven thousand pounds currency at least, also clear of debt.

XIII. That on the last Monday in November next, and the day following, and on the same days of every second year thereafter, members of the house of representatives shall be chosen, to meet on the first Monday in January then next, at the seat of government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the governor and commander in chief for the time being, may, by proclamation, with the advice and consent of the privy council, appoint a more secure and convenient place of meeting, and so continue for two years from the said last Monday in November. Each parish and district within this state shall send members to the general assembly in the following proportions, (that is to say,) the parish of St. Philip and St. Michael's, Charleston, thirty members; the parish of Christ Church, six members; the parish of St. John's, in Berkely county, six members; the parish of St. Andrew, six members; the parish of St. George, Dorchester, six members; the parish of St. James, Goose Creek, six members; the parish of St. Thomas and St. Dennis, six members; the parish of St. Paul, six members; the parish of St. Bartholomew, six members; the parish of St. Helena, six members; the parish of St. James, Santee, six members; the parish of Prince George, Winyaw, four members; the parish of All Saints, two members; the parish of Prince Frederick, six members; the parish of St. John, in Colleton county, six members; the parish of St. Peter, six members; the parish of Prince William, six members; the parish of St. Stephen, six members; the district to the eastward of Wateree river, ten members; the district of Ninety six, ten members; the district of Saxe Gotha, six members; the district between Broad and Saluda rivers, in three divisions, viz: the Lower district, four members; the Little River district, four members; the Upper or Spartan district, four members; the district between Broad and Catawba rivers, ten members; the district called the New Acquisition, ten members; the parish of St. Matthew, three members; the parish of Orange, three members; the parish of St. David, six members; the district between the Savannah river and the North fork of Edisto, six members. And the election of the said members shall be conducted as near as may be agreeable to the directions of the present or any future election act or acts; and where there are no Churches or Church Wardens in a district or parish, the house of representatives, at some convenient time before their expiration, shall appoint places of election, and persons to receive votes and make returns. The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of one and twenty years and hath been a resident and an inhabitant in this state for the space of one whole year before the day appointed for the election, (the army to give his vote as) and hath a freehold at least of fifty acres of land, or town lot, and hath been legally seized and possessed of the same at least six months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least six months previous to the said election, to a sum equal to the tax on fifty acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing a representative, or representatives,

serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this state where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to sit in the house of representatives unless he be of the Protestant religion, and hath been a resident in this state for three years previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the election act, and construed to mean clear of debt. But no non-resident shall be elegible to a seat in the house of representatives unless he is owner of a settled estate and freehold in his own right of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected.

XIV. That if any parish or district neglects or refuses to elect members, or if the members chosen do not meet in general assembly, those who do meet shall have the powers of the general assembly. Not less than sixty nine members shall make a house of representatives to do business, but the speaker or any seven members may adjourn from day to day.

XV. That at the expiration of seven years after the passing of this Constitution, and at the end of every fourteen years thereafter, the representation of the whole state shall be proportioned in the most equal and just manner according to the particular and comparitive strength and taxable property of the different parts of the same, regard being always had to the number of white inhabitants and such taxable property.

XVI. That all money bills for the support of government shall originate in the house of representatives, and shall not be altered or amended by the senate, but may be rejected by them, and that no money be drawn out of the public treasury but by the legislative authority of the state. All other bills and ordinances may take rise in the senate or house of representatives, and be altered, amended or rejected by either. Acts and ordinances having passed the general assembly shall have the great seal affixed to them by a joint committee of both houses, who shall wait upon the Governor to receive and return the seal, and shall then be signed by the President of the Senate and Speaker of the House of Representatives, in the Senate house, and shall thenceforth have all the force and validity of a law, and be lodged in the Secretary's office. And the senate and house of representatives respectively, shall enjoy all other priveleges which have at any time been claimed or exercised by the Commons house of assembly.

XVII. That neither the senate nor house of representatives shall have power to adjourn themselves for any longer time than three days, without the mutual consent of both. The Governor and Commander in Chief shall have no power to adjourn, prorogue or dissolve them, but may, if necessary, by and with the advice and consent of the privy council, convene them before the time to which they shall stand adjourned. And where a bill hath been rejected by either house, it shall not be brought in again that session, without leave of the house, and a notice of six days being previously given.

XVIII. That the senate and house of representatives shall each choose their respective officers by ballot, without controul, and that during a recess, the President of the Senate and Speaker of the House of Representatives shall issue writs for filling up vacancies occasioned by death in their respective houses, giving at least three weeks and not more than thirty five days previous notice of the time appointed for the election.

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XIX. That if any parish or district shall neglect to elect a member or members on the day of election, or in case any person chosen a member of either house, shall refuse to qualify and take his seat as such, or die or depart the state, the senate or house of representatives as the case may be, shall appoint proper days for electing a member or members, in such case respectively.

XX. That if any member of the senate or house of representatives shall accept any place of emolument, or any commission (except in the militia, or commission of the peace, and except as is excepted in the tenth article) he shall vacate his seat, and there shall thereupon be a new election, but he shall not be disqualified from serving upon being re-elected, unless he is appointed Secretary of the State, Commissioner of the Treasury, an Officer of the Customs, Register of Mesne Conveyances, a Clerk of either of the Courts of justice, Sheriff, Powder-reviewer, Clerk of the Senate, House of Representatives or Privy Council, Surveyor General, or Commissary of Militia stores, which officers are hereby declared disqualified from being members either of the senate or house of representatives.

XXI. And whereas the ministers of the gospel are by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function,—therefore no minister of the gospel or public preacher of any religious persuasion, while he continues in the exercise of his pastoral function, and for two years after, shall be eligible either as Governor, Lieutenant Governor, a member of the Senate, House of Representatives, or Privy Council in this state.

XXII. That the delegates to represent this state in the Congress of the United States, be chosen annually by the senate and house of representatives jointly, by ballot, in the house of representatives, and nothing contained in this Constitution shall be construed to extend to vacate the seat of any member who is or may be a delegate from this state to Congress as such.

XXIII. That the form of impeaching all officers of the state, criminal and corrupt conduct in their respective offices, not amenable to any other jurisdiction, be vested in the house of representatives. But that it shall always be necessary that two third parts of the members present do consent to and agree in such impeachment. That the senators and such of the judges of this state as are not members of the house of representatives, be a court for the trial of impeachments, under such regulations as the legislature shall establish, and that previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence, and no judgement of the said court, except judgement of acquital, shall be valid, unless it shall be assented to by two third parts of the members then present; and on every trial, as well of impeachments as others, the party accused shall be allowed counsel.

XXIV. That the Lieutenant Governor of the state and a majority of the privy council for the time being, shall, until otherwise altered by the legislature, exercise the powers of a Court of Chancery; and there shall be Ordinaries appointed in the several districts of this state, to be chosen by the senate and house of representatives jointly by ballot, in the house of representatives, who shall, within their respective districts, exercise the powers heretofore exercised by the Ordinary; and until such appointment is made, the present Ordinary in Charleston shall continue to exercise that office as heretofore.

XXV. That the jurisdiction of the Court of Admiralty be confied to maritime causes.

XXVI. That justices of the peace shall be nominated by the senate and house of representatives jointly, and commissioned by the Governor and Commander in Chief during pleasure. They shall be entitled to receive the fees heretofore established by law; and not acting in the magistracy, they shall not be entitled to the privileges allowed them by law.

XXVII. That all other judicial officers shall be chosen by ballot, jointly by the Senate and House of Representatives, and, except the judges of the Court of Chancery, commissioned by the Governor and Commander in Chief during good behaviour, but shall be removed on address of the Senate and House of Representatives.

XXVIII. That the Sheriffs, qualified as by law directed, shall be chosen in like manner by the Senate and House of Representatives, when the Governor, Lieutenant Governor and Privy Council are chosen, and commissioned by the Governor and Commander in Chief, for two years, and shall give security as required by law, before they enter on the execution of their office. No sheriff who shall have served for two years shall be eligible to serve in the said office after the expiration of the said term, until the full end and term of four years, but shall continue in office until such choice be made; nor shall any person be eligible as sheriff in any district, unless he shall have resided therein for two years previous to the election.

XXIX. That two Commissioners of the Treasury, the Secretary of the State, the Register of mesne conveyances in each district, Attorney General, Surveyor General, Powder Receiver, Collectors and Comptrollers of the Customs and Waiters, be chosen in like manner by the Senate and House of Representatives jointly, by ballot, in the House of Representatives, and commissioned by the Governor and Commander in Chief, for two years; that none of the said officers, respectively, who shall have served for four years, shall be eligible to serve in the said offices after the expiration of the said term, until the full end and term of four years, but shall continue in office until a new choice be made. *Provided*, that nothing herein contained shall extend to the several persons appointed to the above offices respectively, under the late constitution: and that the present and all future Commissioners of the Treasury, and Powder receivers, shall each give bond with approved security agreeable to law.

XXX. That all the officers in the army and navy of this State, of and above the rank of captain, shall be chosen by the Senate and House of Representatives jointly, by ballot in the House of Representatives, and commissioned by the Governor and Commander in Chief, and that all other officers in the Army and Navy of this State, shall be commissioned by the Governor and Commander in Chief.

XXXI. That in case of vacancy in any of the offices above directed to be filled by the Senate and House of Representatives, the Governor and Commander in Chief, with the advice and consent of the Privy Council, may appoint others in their stead, until there shall be an election by the Senate and House of Representatives, to fill those vacancies respectively.

XXXII. That the Governor and Commander in Chief, with the advice and consent of the Privy Council, may appoint during pleasure, until otherwise directed by law, all other necessary officers, except such as are now by law directed to be otherwise chosen.

XXXIII. That the Governor and Commander in Chief shall have no power to commence war, or conclude peace, or enter into any final treaty, without the consent of the Senate and House of Representatives.

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XXXIV. That the resolutions of the late Congress of this State, and all laws now of force here (and not hereby altered) shall so continue until altered or repealed by the legislature of this State, unless where they are temporary, in which case, they shall expire at the times respectively limited for their duration.

XXXV. That the Governor and Commander in Chief for the time being, by and with the advice and consent of the Privy Council, may lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the General Assembly.

XXXVI. That all persons who shall be chosen and appointed to any office, or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath. "I, A. B. do acknowledge the State of South Carolina to be a free, sovereign and independent State, and that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain, and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, (or affirm, as the case may be) that I will, to the utmost of my power, support, maintain and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants and adherents, and will serve the said State in the office of ————, with fidelity and honour, and according to the best of my skill and understanding,

So help me God."

XXXVII. That adequate yearly salaries be allowed to the public officers of this State, and be fixed by law.

XXXVIII. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be the established religion of this State. That all denominations of Christian protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed and declared, that the respective societies of the Church of England, that are already formed in this State, for the purpose of religious worship, shall still continue incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty one years of age, professing the Christian protestant religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms herein after mentioned) be, and be constituted a Church, and be esteemed and regarded in law as of the established religion of the State, and on a petition to the legislature, shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed, shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship, shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so

petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement or union of men upon pretence of religion, shall entitle them to be incorporated and esteemed as a Church of the established religion of this State.

1st. That there is one Eternal God, and a future state of rewards and punishments.

2d. That God is publicly to be worshipped.

3d. That the Christian Religion is the true religion.

4th. That the Holy Scriptures of the old and new Testaments are of divine inspiration, and are the rule of faith and practice.

5th. That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.

And that every inhabitant of this State, when called to make an appeal to God as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And that the people of this State may forever enjoy the right of electing their own pastors or clergy, and at the same time that the State may have sufficient security for the due discharge of the pastoral office, by those who shall be admitted to be clergymen; no person shall officiate as minister of any established church, who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the said majority, to choose and procure a minister for them; nor until the minister so chosen and appointed shall have made and subscribed to the following declaration, over and above the aforesaid five articles, viz: "That he is determined by God's grace out of the Holy Scriptures, to instruct the people committed to his charge, and to teach nothing as required of necessity to eternal salvation, but that which he shall be perswaded may be concluded and proved from the scripture; that he will use both public and private admonitions, as well to the sick as to the whole within his cure, as need shall require and occasion shall be given, and that he will be diligent in prayers, and in reading of the holy scriptures, and in such studies as help to the knowledge of the same; that he will be diligent to frame and fashion his own self and his family according to the doctrine of Christ, and to make both himself and them, as much as in him lieth, wholesome examples and patterns to the flock of Christ; that he will maintain and set forwards, as much as he can, quietness, peace and love among all people, and especially among those that are or shall be committed to his charge. No person shall disturb or molest any religious assembly; nor shall use any reproachful, reviling or abusive language against any church, that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. No person whatsoever shall speak any thing in their religious assembly irreverently or seditiously of the government of this State. No person shall by law, be obliged to pay towards the maintenance and support of a religious worship, that he does not freely join in, or has not voluntarily engaged to support. But the churches, chapels, parsonages, glebes, and all other property now belonging to any societies of the Church of England, or any other religious societies, shall remain and be secured to them forever. The poor shall be supported, and elections managed in the accustomed manner, until laws shall be provided to adjust those matters in the most equitable way.

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XXXIX. That the whole State shall, as soon as proper laws can be passed for these purposes, be divided into districts and counties, and county courts established.

XL. That the penal laws, as heretofore used, shall be reformed, and punishments made in some cases less sanguinary, and in general more proportionate to the crime.

XLI. That no freeman of this State be taken or imprisoned, or disseised of his freehold, liberties or privileges, or outlawed, exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

XLII. That the military be subordinate to the civil power of the State.

XLIII. That the liberty of the press be inviolably preserved.

XLIV. That no part of this constitution shall be altered without notice being previously given of ninety days, nor shall any part of the same be changed without the consent of a majority of the members of the Senate and House of Representatives.

XLV. That the Senate and House of Representatives shall not proceed to the election of a governor or lieutenant governor, until there be a majority of both houses present.

In the Council Chamber, the 19th day of March, 1778.

ASSENTED TO.

RAWLINS LOWNDES.

HUGH RUTLEDGE,
Speaker of the Legislative Council.

THOMAS BEE,
Speaker of the General Assembly.

DSC 61 - South Carolina Constitution (1790) (excerpts)

PLAINTIFF'S EXHIBIT Diocese -61
PENGAD 800-631-6989

THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

JUNE 3d, 1790.

We, the Delegates of the people of the State of South-Carolina in General Convention met, do ordain and establish this Constitution for its government.

ARTICLE I.

Legislature.

Sec. 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Representatives how chosen and for what time.

Sec. 2. The House of Representatives shall be composed of members chosen by ballot, every second year, by the citizens of this State, qualified as in this Constitution is provided.

Sec. 3. The several election districts in this State shall elect the following number for representatives, viz:

Proportion of them.

Charleston, including St. Philip and St. Michael,	Fifteen	Members.
Christ Church,	Three	"
St. John, Berkley,	Three	"
St. Andrew,	Three	"
St. George, Dorchester,	Three	"
St. James, Goose Creek,	Three	"
St. Thomas and St. Dennis,	Three	"
St. Paul,	Three	"
St. Bartholomew,	Three	"
St. James, Santee,	Three	"
St. John, Colleton,	Three	"
St. Stephen,	Three	"
St. Helena,	Three	"
St. Luke,	Three	"
Prince William,	Three	"
St. Peter,	Three	"
All Saints, (including its ancient boundaries)	One	"
Winyaw, (not including any part of All Saints)	Three	"
Kingston, (not including any part of All Saints)	Two	"
Williamsburgh,	Two	"
Liberty,	Two	"
Marlborough,	Two	"
Chesterfield,	Two	"
Darlington,	Two	"
York,	Three	"

Chester,	Two	Members.
Fairfield,	Two	"
Richland,	Two	"
Lancaster,	Two	"
Kershaw,	Two	"
Claremont,	Two	"
Clarendon,	Two	"
Abbeville,	Three	"
Edgefield,	Three	"
Newberry, (including the fork between Broad and Saluda Rivers,)	Three	"
Laurens,	Three	"
Union,	Two	"
Spartan,	Two	"
Greenville,	Two	"
Pendleton,	Three	"
St. Matthew,	Two	"
Orange,	Two	"
Winton, (including the district between Savannah river and the north fork of Edisto)	Three	"
Saxe Gotha,	Three	"

Qualification.

Sec. 4. Every free white man, of the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property or is so resident.

How proved or examined.

Sec. 5. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector of his having paid a tax, entitling him to vote, or to swear or affirm, that he is duly qualified to vote agreeably to this constitution.

Who may or may not be elected.

Sec. 6. No person shall be eligible to a seat in the House of Representatives, unless he is a free white man of the age of twenty-one years, and hath been a citizen and resident in this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives, unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

Senators chos'n for four years.

Sec. 7. The Senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this State, qualified to elect members to the House of Representatives, at the same time, in the same manner, and at the same places where they shall vote for representatives, viz:

Constitution of S. Carolina.

Proportion of them.

Charleston (including St. Philip and St. Michael,)	Two	Members.
Christ Church,	One	"
St. John, Berkley,	One	"
St. Andrew,	One	"
St. George,	One	"
St. James, Goose Creek,	One	"
St. Thomas & St. Dennis,	One	"
St. Paul,	One	"
St. Bartholomew,	One	"
St. James, Santee,	One	"
St. John, Colleton,	One	"
St. Stephen,	One	"
St. Helena,	One	"
St. Luke,	One	"
Prince William,	One	"
St. Peter,	One	"
All Saints,	One	"
Winyaw & Williamsburgh,	One	"
Liberty and Kingston,	One	"
Marlborough, Chesterfield and Darlington,	Two	"
York,	One	"
Fairfield, Richland and Chester,	One	"
Lancaster and Kershaw,	One	"
Claremont and Clarendon,	One	"
Abbeville,	One	"
Edgefield,	One	"
Newberry (including the fork between Broad and Saluda rivers,)	One	"
Laurens,	One	"
Union,	One	"
Spartan,	One	"
Greenville,	One	"
Pendleton,	One	"
St. Matthew and Orange,	One	"
Winton, including the district between Savannah river and the North fork of Edisto,	One	"
Saxe Gotha,	One	"

Who shall not be eligible to the Senate.

Sec. 8. No person shall be eligible to a seat in the Senate unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this State five years previous to his election. If a resident in the election district, he shall not be eligible, unless he be legally seized and possessed in his own right of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

Senate divided into two classes and how.

Sec. 9. Immediately after the senators shall be assembled, in consequence of the first election, they shall be divided by lot, into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the expiration of the fourth year; so that one half thereof, as near as possible, may be chosen for ever thereafter, every second year, for the term of four years.

Members of legislature

Sec. 10. Senators, and members of the house of representatives, shall be chosen on the second Monday in October next, and the day following;

Constitution of S. Carolina.

and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed, and shall meet on the fourth Monday in November, annually, at Columbia (which shall remain the seat of government, until otherwise determined by the concurrence of two thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the Governor or Commander-in-Chief for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

When elected, where to meet and where.

Validity of elections how determined.

Sec. 11. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

Quorum.

Adjournment from day to day.

Sec. 12. Each house shall choose by ballot its own officers, determine its rules of proceeding, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same cause.

Each house to elect their own officers.

Powers of the house to punish for contempt.

Sec. 13. Each house may punish, by imprisonment, during its sitting, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in its presence—or who, during the time of its sitting, shall threaten harm to body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his going to or returning therefrom; or who shall rescue any person arrested by order of the house.

Privileges of members and their estates.

Sec. 14. The members of both houses shall be protected in their persons and estates, during their attendance on, going to, and returning from, the legislature, and ten days previous to the sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

Revenue bills.

Sec. 15. Bills for raising a revenue shall originate in the house of representatives, but may be altered, amended, or rejected by the Senate.

Other bills.

All other bills may originate in either house, and may be amended, altered, or rejected by the other.

What shall give the force of a law.

Sec. 16. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, unless the house by two thirds of the members present shall dispense with the rule, and has been signed, in the senate house, by the president of the senate and speaker of the house of representatives.

No money drawn from treasury but by legislature.

Sec. 17. No money shall be drawn out of the public treasury but by the legislative authority of the state.

Compensation to members.

Sec. 18. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to, and returning from the legislature; but the same may be increased or diminished by law, if circumstances shall require; but no alteration shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

Adjournment of houses.

Sec. 19. Neither house, during their session, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Constitution of S. Carolina.

Rejection about bringing in bills &c. once rejected.

Sec. 20. No bill or ordinance, which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

What persons are excluded from legislature.

Sec. 21. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this state, the United States, or either of them, or under any other power, except officers in the militia, army, or navy of this state, justices of the peace or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the United States, or either of these, or the agents of such contractor, be eligible to a seat in either house. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

How vacancies in legislature shall be filled.

Sec. 22. If any election district shall neglect to choose a member or members on the days of election, or if any person chosen a member of either house should refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office, a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

Clergyman excluded.

Sec. 23. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Governor, Lieutenant-governor, or to a seat in the senate or house of representatives.

ARTICLE II.

Executive. How chosen; for 2 years.

Sec. 1. The executive authority of this state shall be vested in a governor, to be chosen in the manner following; as soon as may be, after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives shall, jointly, in the house of representatives, choose by ballot a governor, to continue for two years, and until a new election shall be made.

Qualification of governor.

Sec. 2. No person shall be eligible to the office of governor, unless he hath attained the age of thirty years, and hath resided within the state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

Not re-eligible for 4 years.

No person, having served two years as governor, shall be re-eligible to that office, till after the expiration of four years.

Disqualification.

No person shall hold the office of governor, and any other office, or commission, civil or military, except in the militia, either in this state, or under any state, or the United States, or any other power, at one and the same time.

Lt. Governor how chosen &c.

Sec. 3. A lieutenant-governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

Sec. 4. A member of the senate or house of representatives, being chosen, and acting as governor or lieutenant-governor, shall vacate his seat; and another person shall be elected in his stead.

Member of legislature vacates his seat on being elected governor or Lt. governor.

Sec. 5. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant-governor, or his removal from office, death, resignation, or absence from the state, the president of the Senate shall succeed to his office, untill a nomination to those offices respectively shall be made by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

Impeachment of governor or Lt. Governor. Vacancies how filled.

Sec. 6. The governor shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the actual service of the United States.

Governor to command army &c.

Sec. 7. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under such restrictions, as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

May grant pardons, &c.

Sec. 8. He shall take care that the laws be faithfully executed in mercy.

Shall execute the laws.

Sec. 9. He shall have power to prohibit the exportation of provisions, for any time not exceeding thirty days.

May prohibit exportation of provisions.

Sec. 10. He shall, at stated times, receive for his services a compensation which shall be neither increased or diminished during the period for which he shall have been elected.

His compensation.

Sec. 11. All officers in the executive department, when required by the governor, shall give him information in writing, upon any subject relating to the duties of their respective offices.

Executive officers shall give information to governor.

Sec. 12. The governor shall, from time to time, give to the general assembly information of the condition of the state, and recommend to their consideration such measures as he shall judge necessary or expedient.

Governor shall give information to assembly.

Sec. 13. He may, on extraordinary occasions, convene the general assembly, and, in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

May convene Gen. Assemb. on extraordinary occasions, and adjourn legislature when they cannot agree.

ARTICLE III.

Sec. 1. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

Judiciary. Courts of law and equity.

The judges of each shall hold their commissions during good behaviour; and the judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this state, the United States, or any other power.

Judges shall hold commissions during good behaviour, &c. receive compensation and disqualified from holding any other office.

Sec. 2. The style of all process shall be, "The State of South Carolina." All prosecutions shall be carried on in the name, and by the authority of the State of South Carolina, and conclude—"against the peace and dignity of the same."

Stile of process

CONSTITUTION OF S. CAROLINA.

ARTICLE IV.

Oath of office.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath; "I do swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the constitution of this state, and of the United States."

ARTICLE V.

Representatives shall impeach.

Sec. 1. The house of representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

Senate to try impeachments.

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

Who liable to impeachment. Punishment in case of conviction.

Sec. 3. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment for any misdemeanor in office; but judgement in such cases shall not extend further than to a removal from office, and disqualification to hold any office of honour, trust, or profit, under this state. The party convicted shall, nevertheless, be liable to indictment, trial, judgement, and punishment, according to law.

ARTICLE VI.

How officers shall be elected. Limitation of some commissions.

Sec. 1. The judges of the superior courts, the commissioners of the treasury, secretary of the state, and surveyor general, shall be elected by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of the state, and surveyor general, shall hold their offices for four years; but shall not be eligible again for four years after the expiration of the time for which they shall have been elected.

Other officers how appointed. Sheriffs elected for 4 years.

Sec. 2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

Style of commissions.

Sec. 3. All commissions shall be in the name and by the authority of the State of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

ARTICLE VII.

Laws to continue in force until altered.

All laws of force in this state at the passing of this constitution, shall so continue until altered or repealed by the legislature; except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE VIII.

Sec. 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, forever hereafter, be allowed within this state to all mankind; provided, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state. Free exercise of any religious profession. Proviso.

Sec. 2. The rights, privileges, immunities, and estates, of both civil and religious societies and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended. Rights &c. preserved to corporate and other bodies.

ARTICLE IX.

Sec. 1. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety and happiness. Declaration of rights.

Sec. 2. No freeman of this state shall be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land; nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

Sec. 3. The military shall be subordinate to the civil power.

Sec. 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 5. The legislature shall not grant any title of nobility, or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behaviour.

Sec. 6. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be for ever inviolably preserved.

ARTICLE X.

Sec. 1. The business of the treasury shall be in future conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston. Treasury how conducted.

Sec. 2. The secretary of state, and the surveyor general, shall hold their offices both in Columbia and Charleston. They shall reside at one place, and their deputies at the other. And secretary's office, &c.

Sec. 3. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgements, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials, and in arrest of judgement, and such points of law, as may be submitted to them. Judges shall meet at Columbia after circuit.

Sec. 4. The governor shall always reside, during the sitting of the legislature, at the place where their session may be held, and at all other times, wherever, in his opinion, the public good may require. Governor shall reside where legislature sits, during session.

Constitution of S. Carolina.

Sec. 5. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estate of intestates.

Rights of primogeniture to be abolished.

ARTICLE XI.

Convention to be called by two-thirds of legislature.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

Constitution how to be altered.

No part of this constitution shall be altered, unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature shall be agreed to in the first session, by two-thirds of the whole representation* in both branches of the legislature, after the same shall have been read three times, on three several days, in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention at Columbia, in the State of South Carolina, the third day of June, in the Year of our Lord 1790, and in the 14th year of the Independence of the United States of America.

By the unanimous order of the Convention.

CHARLES PINCKNEY,

President.

Attest,

JOHN S. DART, *Secretary.*

THAT NO INCONVENIENCE MAY ARISE FROM THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION OF THIS STATE, IT IS HEREBY DECLARED AND ORDAINED:

Provisions until new constitution can operate.

Sec. 1. That the government shall be administered as heretofore, until the meeting and sitting of the legislature, to be held under this constitution.

Sec. 2. And whereas, the existing laws render it highly inconvenient for the legislature to meet on the fourth Monday in November, next, it is therefore ordained, that instead thereof, the members of the senate and house of representatives, to be elected on the second Monday in October, and on the day following, shall meet at Columbia, the seat of government, on the first Monday in January next.

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* The words "by two-thirds of the whole representation," are omitted in Grimke's copy of the Constitution of South Carolina.—EDIT.

Sec. 3. It is also ordained that the commissioners of the treasury shall, with all convenient dispatch, take a balance of the treasury books, which balance shall be lodged in the treasurer's office in Columbia, and the original books in the treasurer's office in Charleston.

Sec. 4. It is the opinion of the convention, that the legislature, at the first session which shall be held under this constitution, should regulate and establish by law, all the fees of the respective courts and offices throughout this state.

Sec. 5. That they also provide for the annual and final settlement of the accounts of the commissioners of the treasury, so that the pecuniary interest of the state be duly attended to, and the persons who faithfully discharge the duties of that important office be quieted therein, and their sureties released in a fixed and reasonable time.

Sec. 6. That the legislature shall make effectual provision for revising, digesting and publishing the laws of this state, so as that a general knowledge thereof may be diffused among the citizens of this state.

Sec. 7. The legislature at their next meeting shall proceed to the election of justices of the peace throughout the state, and justices of the county courts where county courts are established, and that all former commissions of the peace then cease; and that in future all commissions of the peace expire at fixed periods, to be declared by law.

Sec. 8. That all rotatory officers, at the first meeting of the legislature under this constitution, may be re-elected, notwithstanding any time they may have before served under the former constitution.

By the unanimous order of the Convention, June 3, 1790.

CHARLES PINCKNEY,

President.

Attest,

JOHN SANDFORD DART, *Secretary.*

AMENDMENTS TO THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

AMENDMENTS, RATIFIED DECEMBER 17, 1808.

The following sections in amendment of the third, seventh, and ninth sections of the first article of the constitution of this State, shall be, and they are hereby declared to be valid parts of the said constitution: and the said third, seventh, and ninth sections, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void.

DSC 64 - Petition for Incorporation (November 5, 1973)

For Use By The Secretary of State
File No.
Form No.
Fee Paid
C. B.
Date

Declaration and Petition for Incorporation

Forward Application to Secretary of State with Fee of $3.00

APPLICATION MUST BE TYPEWRITTEN
DO NOT FILE IN DUPLICATE

The undersigned declarants and petitioners,

NAME	STREET ADDRESS AND CITY
The Right Reverend Gray Temple	1000 South Main Street Summerville, South Carolina 29483
The Reverend Canon George I. Chassey, Jr.	Route 3, Box 380A John's Island, South Carolina 29455

being two or more of the officers or agents appointed to supervise or manage the affairs of THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

an Episcopal Diocese which has been duly and regularly organized for the purposes hereinafter to be set forth, do affirm and declare:

That at a meeting of the aforesaid organization, held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That the said organization holds, or desires to hold, property in common for a Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than is above stated, or for the insurance of life, health, accident or property; and that three days' notice in the News & Courier a newspaper published in the County of Charleston, has been given that the aforesaid Declaration would be filed.

The said Declarants and Petitioners further declare and affirm:

FIRST. Their names and residences are as above given.

SECOND. The name of the proposed Corporation is THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

THIRD. The place at which it proposes to have its headquarters or to be located is 1020 King Street (Street and Number) in the City of Charleston, South Carolina

FOURTH. The purpose of the said proposed Corporation is to continue the operation of an Episcopal Diocese under the Constitution and Canons of The Protestant Episcopal Church in the United States of America

FIFTH. The names and residences of all Managers, Trustees, Directors or other officers, are as follows:

NAMES	TITLE	ADDRESS
The Rt. Rev. Gray Temple	Bishop	1020 King St. Charleston, S. C.
The Rev. Canon Geoge I. Chassey, Jr.	Secretary	" "
Thomas E. Myers	Treasurer	" "
18 members elected by Convention	Members of Bishop and Council	

SIXTH. That they desire to be incorporated in perpetuity ~~(or number of years)~~

Wherefore your petitioners pray that the Secretary of State do issue to the aforesaid THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA (Repeat Name of Association)

A Certificate of Incorporation, with all rights, powers, privileges and immunities, and subject to all the limitations and liabilities conferred by Chapter 13, Title 12, 1962, and Acts amendatory thereto, to provide for the incorporation of Religious, Education, Social, Fraternal or Charitable Churches, Lodges, Societies, Associations, or Companies, and for amending the Charters of those already formed and to be formed.

(Sign here)
X The Rt. Rev. Gray Temple
The Rev. Canon George I. Chassey, Jr.

Date November, 1973.

1296

(Instructions on other side)

PENGAD 800-631-6989

PLAINTIFF'S EXHIBIT Diocese-64

INSTRUCTIONS

All fees are payable to the Secretary of State.

Two petitioners are all that is required.

State the purpose of your organization tersely in general terms. Do not attempt to include therein matter that should go into your by-laws, or specifically ask for certain powers granted under the law to all corporations—such as the right to buy and hold property, to have a common seal, etc.

Should Association be other than a church or other purely eleemosynary organization, have the Clerk of Court, Sheriff, Probate Judge, Auditor and Treasurer, and fifty freehold electors endorse the petition.

NOTICE

The undersigned, duly authorized agents for The Protestant Episcopal Diocese of South Carolina, do hereby serve notice that after the lapse of three (3) days from the publication hereof, they will file with the Secretary of State of South Carolina a Declaration and Petition for the Incorporation of The Protestant Episcopal Diocese of South Carolina as a Diocese under the Constitution and Canons of the Protestant Episcopal Church in the United States of America.

Dated this 5th day of November, 1973.

The Right Reverend Gray Temple

The Reverend Canon George I. Chassey, Jr.

To: The News and Courier - Publish one time.

Mail affidavit of publication to:
Jack Wright,
P.O. Drawer 1590,
Florence, South Carolina
29501

RECEIVED
NOV -5 197
DIOCESE OF S. C.

For Use By The Secretary of State
File No. 10676
Form No. A-353
Fee Paid 13.—
C. S. RL 22259
Date 11-14-73

Declaration and Petition for Incorporation

Forward Application to Secretary of State with Fee of $3.00

APPLICATION MUST BE TYPEWRITTEN
DO NOT FILE IN DUPLICATE

SECRETARY OF STATE
FILED
NOV 14 1973

The undersigned declarants and petitioners,

NAME	STREET ADDRESS AND CITY
The Right Reverend Gray Temple	1000 South Main Street, Summerville, South Carolina 29483
The Reverend Canon George I. Chassey, Jr.	Route 3, Box 380A, John's Island, South Carolina 29455

being two or more of the officers or agents appointed to supervise or manage the affairs of THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

an Episcopal Diocese which has been duly and regularly organized for the purposes hereinafter to be set forth, do affirm and declare:

That at a meeting of the aforesaid organization, held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That the said organization holds, or desires to hold, property in common for a Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than is above stated, or for the insurance of life, health, accident or property, and that three days' notice in the News & Courier a newspaper published in the County of Charleston has been given that the aforesaid Declaration would be filed.

The said Declarants and Petitioners further declare and affirm:

First. Their names and residences are as above given.

Second. The name of the proposed Corporation is THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

Third. The place at which it proposes to have its headquarters or to be located is 1020 King Street (Street and Number) in the City of Charleston, South Carolina.

Fourth. The purpose of the said proposed Corporation is to continue the operation of an Episcopal Diocese under the Constitution and Canons of The Protestant Episcopal Church in the United States of America

Fifth. The names and residences of all Managers, Trustees, Directors or other officers, are as follows:

NAMES	TITLE	ADDRESS
The Rt. Rev. Gray Temple	Bishop	1020 King St. Charleston, S. C.
The Rev. Canon George I. Chassey, Jr.	Secretary	" "
Thomas E. Myers	Treasurer	" "
18 members elected by Convention	Members of Bishop and Council	

Sixth. That they desire to be incorporated in perpetuity ~~for a term of years~~.

Wherefore your petitioners pray that the Secretary of State do issue to the aforesaid

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA
(Repeat Name of Association)

A Certificate of Incorporation, with all rights, powers, privileges and immunities, and subject to all the limitations and liabilities conferred by Chapter 13, Title 12, 1962, and Acts amendatory thereto, to provide for the incorporation of Religious, Education, Social, Fraternal or Charitable Churches, Lodges, Societies, Associations, or Companies, and for amending the Charters of those already formed and to be formed.

(Sign here)
The Rt. Rev. Gray Temple
The Rev. Canon George I. Chassey, Jr.

Date November 10th., 1973.

(Instructions on other side)

INSTRUCTIONS

All fees are payable to the Secretary of State.

Two petitioners are all that is required.

State the purpose of your organization tersely in general terms. Do not attempt to include therein matter that should go into your by-laws, or specifically ask for certain powers granted under the law to all corporations—such as the right to buy and hold property, to have a common seal, etc.

Should Association be other than a church or other purely eleemosynary organization, have the Clerk of Court, Sheriff, Probate Judge, Auditor and Treasurer, and fifty freehold electors endorse the petition.

OFFICIAL
RECEIPT

STATE OF SOUTH CAROLINA

OFFICE OF SECRETARY OF STATE

Columbia, South Carolina 29211

No. 22259

DATE November 10, 1973

RECEIVED OF Wright, Scott, Blackwell & Powers
Florence, S. C.

$ 3.00

Three DOLLARS
($6.00 Ck.)

ACCOUNT Charter - The Protestant Episcopal Diocese of South Carolina
Charleston, S. C.

Office of Secretary of State

By: Christine W. Sox
AUTHORIZED SIGNATURE

CWS

WRIGHT, SCOTT, BLACKWELL & POWERS
ATTORNEYS AT LAW
234 WEST CHEVES STREET
FLORENCE, SOUTH CAROLINA 29501

JACK WRIGHT
JOHN M. SCOTT
WILLIAM M. BLACKWELL
C. DEXTER POWERS
D. LAURENCE McINTOSH
ALVIN A. COLEMAN, JR.
EUGENE L. STONE
J. MUNFORD SCOTT, JR.

P. O. DRAWER 1340
TEL. 662-4328

November 12, 1973

Honorable O. Frank Thornton
Secretary of State
Post Office Box 11350
Columbia, South Carolina 29211

Re: Incorporation of The Protestant Episcopal Diocese of South Carolina

Dear Mr. Thornton:

We enclose herewith Declaration and Petition for Incorporation of the above entitled Diocese, together with our check to your order for $6.00. In returning the charter to us, we will need a certified copy in addition to the original; and the additional $3.00 enclosed is for this certified copy.

With kindest regards, we remain

Very truly yours,

JACK WRIGHT

JW/pb

Enclosures

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

THIS IS TO CERTIFY THAT This and/or the attached is
a true and accurate copy of the Declaration and Petition for Incorporation of
The Protestant Episcopal Diocese of South Carolina

recorded in records of the SC Secretary of State, Corporations Division,
Eleemosynary Corporation Petitions, S213140, Box 51

now on deposit with South Carolina Department of
Archives and History

GIVEN UNDER MY HAND AND THE SEAL OF THE DEPARTMENT
THIS June 12, 2014

Elaine S. Rohr, Archivist
Reference Services

DSC 65 - Diocese's Application for 501(C)(3) Tax Exemption (June 22, 1977) (excerpts)

DIOCESE of SOUTH CAROLINA

THE RT. REV. GRAY TEMPLE, D.D.
BISHOP

DIOCESAN HOUSE
1020 KING STREET
P. O. DRAWER 2127
CHARLESTON, S. C. 29403
(803) 722-4075

June 22, 1977

Internal Revenue Service Center
4800 Buford Highway
Chamblee, Georgia 30305

Gentlemen:

Attached is Form 1023 - Application for Recognition of Exemption. You will note that this application is made for both the Trustees and the Diocese, two separate corporations. The reason this was done is both corporations come under the Diocesan Convention and therefore are accountable to the Convention. In addition, the financial statements are consolidated for reporting purposes.

The Trustees are primarily a holding corporation, having title to Diocesan real property and accounting for and investment of permanent endowment funds. The Diocese on the other hand, is responsible for the operation and program budget.

Sincerely yours,

F. Arnold Blackmon, Jr.

F. Arnold Blackmon, Jr.
Controller

Attachment

FAB/vlw

Form **1023**
(Rev. November 1972)
Department of the Treasury
Internal Revenue Service

Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code

To be filed in the District in which the organization has its principal office or place of business.

This application, when properly completed, shall constitute the notice required under section 508(a) of the Internal Revenue Code in order that organizations may be treated as described in section 501(c)(3) of the code, and the notice under section 508(b) appropriate to those organizations claiming not to be private foundations within the meaning of section 509(a).

Part I.—Identification (See instructions)

1 Full name of organization
(1)Trustees of the Protestant Episcopal Church in S. C.
(2)The Protestant Episcopal Diocese of South Carolina

2 Employer identification number (If none, attach Form SS-4)
(1) 57-6019422 (2) 57-0314383

3(a) Address (number and street)
1020 King Street

3(b) City or town, State and ZIP code
Charleston, South Carolina 29403

4 Name and phone number of person to be contacted
F. A. Blackmon, Jr., 722-4075

5 Month the annual accounting period ends
December

6 Date incorporated or formed 1880
(1)By Act of General Assembly
(2)November 14, 1973

7 Activity Codes (see instructions)
001

Part II.—Organizational Documents (See instructions)

1 Attach a conformed copy of the organization's creating instruments (articles of incorporation, constitution, articles of association, deed of trust, etc.).

2 Attach a conformed copy of the organization's by-laws or other rules for its operation.

3 If the organization does not have a creating instrument, check here (See instructions) . . . . . ☐

Part III.—Activities and Operational Information (See instructions)

1 What are or will be the organization's sources of financial support? List in order of magnitude. If a portion of the receipts is or will be derived from the earnings of patents, copyrights, or other assets (excluding stock, bonds, etc.), identify such item as a separate source of receipt. Attach representative copies of solicitations for financial support.

Pledges from Churches in the Diocese and income from Trust and Endowment Funds.

2 Describe the organization's fund-raising program and explain to what extent it has been put into effect. (Include details of fund-raising activities such as selective mailings, formation of fund-raising committees, use of professional fund raisers, etc.)

None at Present

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and I have examined this application, including the accompanying statements, and to the best of my knowledge it is true, correct and complete.

F. Arnold Blackmon, Jr. (Signature) | Controller (Title or authority of signer) | June 22, 1977 (Date)

Form 1023, Part 2, Li 1

No. 10,676

The State of South Carolina

EXECUTIVE DEPARTMENT

CERTIFICATE OF INCORPORATION

BY THE SECRETARY OF STATE

WHEREAS, The Right Reverend Gray Temple, 1000 South Main Street, Summerville, South Carol
The Reverend Canon George I. Chassey, Jr., Route 3, Box 380A, John's Island, S. C

two or more of the officers or agents appointed to supervise or manage the affairs of

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

which has been duly and regularly organized, did on the 14th day

November , A. D. 19 73 , file with Secretary of State a written declaration setting forth:

That, at a meeting of the aforesaid organization held pursuant to the by-laws or regulations of the said organization, th
were authorized and directed to apply for incorporation.

That, the said organization holds, or desires to hold property in common for Religious, Educational, Social, Fratern
Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of pr
or gain to the members, otherwise than is above stated, nor for the insurance of life, health, accident or property; and that th
days' notice in the News & Courier , a newspaper published in t
County of Charleston , has been given that the aforesaid Declaration would be filed.

AND WHEREAS, *Said Declarants and Petitioners* further declared and affirmed:

FIRST: Their names and residences are as above given.

SECOND: The name of the proposed Corporation is

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

THIRD: The place at which it proposes to have its headquarters or be located is 1020 King Street
Charleston, S. C.

FOURTH: The purpose of the said proposed Corporation is to continue the operation of an Episcop
Diocese under the Constitution and Canons of The Protestant Episcopal Church in the Unit
States of America.

FIFTH: The names and residences of all Managers, Trustees, Directors or other officers are as follows:

The Rt. Rev. Gray Temple	1020 King Street, Charleston, S. C.	Bishop
The Rev. Canon George I. Chassey, Jr.	1020 King Street, Charleston, S. C.	Secretary
Thomas E. Myers	1020 King Street, Charleston, S. C.	Treasurer

SIXTH: That they desire to be incorporated: in perpetuity

NOW, THEREFORE, *I. O. FRANK THORNTON*, Secretary of State, by virtue of the authority in me vested, by Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto, do hereby declare the said organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia, this 14th day of November in the year of our Lord one thousand nine hundred and 73 and in the one hundred and 98th year of the Independence of the United States of America.

O. FRANK THORNTON,
Secretary of State.

Part III.—Activities and Operational Information (Continued)

3 Give a narrative description of the activities presently carried on by the organization, and also those that will be carried on. If the organization is not fully operational, explain what stage of development its activities have reached, what further steps remain for the organization to become fully operational, and when such further steps will take place. The narrative should specifically identify the services performed or to be performed by the organization. (Do not state the purposes of the organization in general terms or repeat the language of the organizational documents.) If the organization is a school, hospital, or medical research organization, include sufficient information in your description to clearly show that the organization meets the definition of that particular activity that is contained in the instructions for Part VII–A on page 3 of the instructions.

The Episcopal Diocese of South Carolina carries on the work of the Episcopal Church under the Constitutions and Canons, Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America. It carries on this work through the Parishes and Missions, and organizations and institutions within the Diocese organized for religious and charitable purposes.

Part III.—Activities and Operational Information (Continued)

4 The membership of the organization's governing body is:

(a) Names, addresses, and duties of officers, directors, trustees, etc.	(b) Specialized knowledge, training, expertise, or particular qualifications
See Attached	See Attached

(c) Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? . . . . . ☐ Yes ☒ No

If "Yes," please name such persons and explain the basis of their selection or appointment.

(d) Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See specific instructions 4(d).) . . ☐ Yes ☒ No

If "Yes," please explain.

5 Does the organization control or is it controlled by any other organization? . . . . . ☐ Yes ☒ No

Is the organization the outgrowth of another organization, or does it have a special relationship to another organization by reason of interlocking directorates or other factors? . . . . . ☐ Yes ☒ No

If either of these questions is answered "Yes," please explain.

6 Is the organization financially accountable to any other organization? . . . . . ☒ Yes ☐ No

If "Yes," please explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been rendered.

An annual report is filed with the Executive Council of the Domestic and Foreign Missionary Society of the Protestant Episcopal Chruch in the U. S. A. as required by Canon Law. (1976 Financial Report Attached)

7 What assets does the organization have that are used in the performance of its exempt function? (Do not include income producing property.) If any assets are not fully operational, explain what stage of completion has been reached, what additional steps remain to be completed, and when such final steps will be taken.

Diocesan Headquarters Office
Camp and Conference Center
Parish and Mission Churches (See Attached List)

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA
Diocesan Council Members

Form 1023, Page 3, Line 4
The membership of the organization's governing body is:

(a) Mr. Ross MeKenzie, Route 5 Box 63, Sumter, S. C. 29150
Chairman, Department of Finance
(b) Business Executive

(a) The Reverend Doctor John C. Buchanan, St. Andrew's Episcopal Church, 440 Whilden Street, Mt. Pleasant, S. C. 29464
Member, Department of Finance
(b) Minister

(a) Mr. Edward Morris, 31 Ridgewood Lane, Hilton Head Island, S. C. 29928
Member, Department of Finance
(b) Retired Executive

(a) The Reverend Frank F. Fagan, St. Helena's Episcopal Church, Post Office Box 1043, Beaufort, S. C. 29902
Member, Department of Finance
(b) Minister

(a) The Reverend Canon George I. Chassey, 11 Trachelle Lane, Charleston, S. C. 29407
Vice-Chairman, Department of Mission and Church Extension
(b) Canon to the Ordinary

(a) Mrs. James W. Skardon, Box 145, Walterboro, S. C. 29488
Member, Department of Mission and Church Extension
(b) Housewife

(a) Mr. Bill Finlayson, 1600 North Avenue, Conway, S. C. 29526
Member, Department of Mission and Church Extension
(b) Hospital Administrator

(a) Mr. Jack Wright, Box 1540, Florence, S. C. 29501
Member, Department of Mission and Church Extension
(b) Attorney

(a) The Very Reverend Harvey G. Cook, Trinity Episcopal Church, 30th and North King's Highway, Myrtle Beach, S. C. 29577
Chairman, Department of Christian Education
(b) Minister

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA
Diocesan Council Members

Form 1023, Page 3, Line 4 (Continued)
The membership of the organization's governing body is:

(a) The Reverend G. Markis House, 6027 Rembert Drive, Hanahan, S. C. 29406
Member, Department of Christian Education
(b) Minister

(a) Mrs. A. H. Lachicotte, Jr., Box 308, Pawleys Island, S. C. 29585
Member, Department of Christian Education
(b) Housewife

(a) Miss Jean Scholz, 114 E. Johnson Road, Summerville, S. C. 29483
Member, Department of Christian Education
(b) Student

(a) The Reverend Frederick S. Sosnowski, 907 Wichman Street, Walterboro, S. C. 29488
Chairman, Department of Camps and Conferences
(b) Minister

(a) Mr. David Gravely, Box 1984, Myrtle Beach, S. C. 29577
Member, Department of Camps and Conferences
(b) Attorney

(a) The Reverend Richard I. H. Belser, Box 125, Johns Island, S. C. 29455
Member, Department of Camps and Conferences
(b) Minister

(a) The Reverend Holland B. Clark, Post Office Box 5278, Hilton Head Island, S. C. 29928
Chairman, Department of Program
(b) Minister

(a) The Very Reverend J. Walter R. Thomas, Box 587, Bennettsville, S. C. 29512
Member, Department of Program
(b) Minister

(a) Dr. Alan Horres, 21 Wespanee Drive, Charleston, S. C. 29407
Member, Department of Program
(b) Veterinarian

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA
Diocesan Council Members

Form 1023, Page 3, Line 4 (Continued)
The membership of the organization's governing body is:

(a) Mrs. Joseph R. Trott, Jr., 3 Lamboll Street, Charleston, S. C. 29401
Chairman, Department of Social Relations
(b) Businesswoman

(a) The Very Reverend Lynwood C. Magee, Cathedral of St. Luke and St. Paul, 126 Coming Street, Charleston, S. C. 29403
Member, Department of Social Relations
(b) Dean of Cathedral

(a) Mr. Francis Porcher, 309 McCants Drive, Mt. Pleasant, S. C. 29464
Member, Department of Social Relations
(b) Insurance Executive

(a) The Right Reverend Gray Temple, Post Office Drawer 2127, Charleston, S. C. 29403
(b) Bishop of South Carolina

TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH IN SOUTH CAROLINA
Board of Trustees

Form 1023, Page 3, Line 4
The membership of the organization's governing body is:

(a) Mr. B. A. Moore, Jr., 28 Gibbes Street, Charleston, S. C. 29401
(b) Attorney

(a) The Very Reverend William J. Snow, II., Drawer 9, Orangeburg, S. C. 29115
(b) Minister

(a) Mr. Julian T. Buxton, 11 W. Hampton Street, Sumter, S. C. 29150
(b) Business Executive

(a) The Very Reverend Samuel Cobb, 142 Church Street, Charleston, S. C. 29401
(b) Minister

(a) Mr. Y. W. Scarborough, 141 Wentworth Street, Charleston, S. C. 29403
(b) Business Executive

(a) Mr. Thomas S. Tisdale, Jr., Box 993, Charleston, S. C. 29403
(b) Chancellor of the Diocese of South Carolina

(a) Mr. George W. Smith, 213 W. Marion Street, Mullins, S. C. 29574
(b) Investment Broker

(a) Mr. John Copeland, 4805 Camellia Drive, Myrtle Beach, S. C. 29577
(b) Attorney

(a) The Right Reverend Gray Temple, P. O. Drawer 2127, Charleston, S. C. 29403
(b) Bishop of South Carolina

PARISH AND MISSION CHURCHES

Adams Run-Meggett, Christ-St. Paul
Allendale, Holy Communion
Andrews, St. Luke's
Barnwell, Holy Apostles
Beaufort, St. Helena's
Bennettsville, St. Paul's
Berkeley County, St. John's
Blackville, St. Alban's
Bluffton, The Cross
Charleston, Calvary
Charleston, Grace
Charleston, Holy Communion
Charleston, Holy Trinity
Charleston, St. Alban's Chapel, The Citadel
Charleston, St. Andrew's Parish
Charleston, St. John's Oakland
Charleston, Cathedral of St. Luke and St. Paul
Charleston, St. Mark's
Charleston, St. Michael's
Charleston, St. Peter's
Charleston, St. Philip's
Charleston, St. Stephen's
Charleston County, St. Andrew's
Cheraw, St. David's
Conway, St. Paul's
Darlington, St. Matthew's
Denmark, Christ Church
Edisto Island, Trinity
Estill, Heavenly Rest
Eutawville, Epiphany
Florence, All Saints
Florence, St. John's
Florence County, Christ Church
Fort, Motte, St. Matthew's
Georgetown, Prince George
Georgetown, St. Cyprian's
Grahamville, Holy Trinity
Hagood, The Ascension
Hampton, All Saints'
Hartsville, St. Bartholomew's
Hilton Head Island, St. Luke's
Huger, St. Francis of Assisi
James Island, St. James
Johns Island, St. John's
Kingstree, St. Alban's

Marion, Church of the Pee Dee
Moncks Corner, Guild Hall
Mt. Pleasant, Christ Church
Mt. Pleasant, St. Andrew's
Myrtle Beach, Trinity
McClellanville, St. James'
McPhersonville, Sheldon Chapel
North Charleston, St. Peter's-by-the-Sea
North Charleston, St. Thomas
North Myrtle Beach, St. Stephen's
Orangeburg, The Redeemer
Orangeburg, St. Paul's
Pawleys Island, All Saints'
Pawleys Island, Holy Cross-Faith Memorial
Pineville, The Redeemer
Pinewood, St. Mark's
Pinopolis, Trinity
Plantersville, Prince Frederick
St. Stephen, St. Stephen's
Stateburg, Holy Cross
Sullivan's Island, Holy Cross
Summerton, St. Matthias'
Summerville, Epiphany
Summerville, St. Paul's
Sumter, Good Shepherd
Sumter, Holy Comforter
Sumter, St. Christopher's
Sumter County, St. Augustine's
Surfside Beach, The Resurrection
Voorhees, St. Philip's Chapel (Denmark)
Walterboro, The Atonement
Walterboro, St. Jude's

Part III.—Activities and Operational Information (Continued)

8 (a) What benefits, services, or products will the organization provide with respect to its exempt function?

Spiritual leadership and administration services to Parishes and Missions in the Diocese

(b) Have the recipients been required or will they be required to pay for the organization's benefits, services, or products? . . . . . ☐ Yes ☒ No

If "Yes," please explain and show how the charges are determined.

9 Does or will the organization limit its benefits, services or products to specific classes of individuals? . . . ☐ Yes ☒ No

If "Yes," please explain how the recipients or beneficiaries are or will be selected.

10 Is the organization a membership organization? . . . . . ☐ Yes ☒ No

If "Yes," complete the following:

(a) Please describe the organization's membership requirements and attach a schedule of membership fees and dues.

(b) Are benefits limited to members? . . . . . ☐ Yes ☐ No

If "No," please explain.

(c) Attach a copy of the descriptive literature or promotional material used to attract members to the organization.

11 Does or will the organization engage in activities tending to influence legislation or intervene in any way in political campaigns? . . . . . ☐ Yes ☒ No

If "Yes," please explain.

Part IV.—Statement as to Private Foundation Status (See instructions)

1 Is the organization a private foundation? . . . . . ☐ Yes ☒ No

2 If question 1 is answered "No," indicate the type of ruling being requested as to the organization's status under section 509 by checking the applicable box below:

☒ Definitive ruling under section 509(a)(1), (2), (3), or (4) — complete Part VII.

☐ Advance or extended advance ruling under section 509(a)(1) or (2) — See instructions.

3 If question 1 is an answered "Yes," and the organization claims to be a private operating foundation, check here ☐ and complete Part VIII.

DSC 68 - Journal, Convention of the Protestant Episcopal Church (1789)

PLAINTIFF'S EXHIBIT 68
PENGAD 800-631-6989

JOURNAL OF A CONVENTION

OF THE

Protestant Episcopal Church

IN THE STATES OF

New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South-Carolina,

HELD IN

CHRIST CHURCH, PHILADELPHIA.

FROM

JULY 28TH TO AUGUST 8TH, 1789.

(63)

LIST OF THE MEMBERS OF THE CONVENTION.

The Right Rev. William White, D.D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania, and President of the Convention.

FROM THE STATE OF NEW-YORK.

The Rev. Abraham Beach, D.D.
The Rev. Benjamin Moore, D.D.
Mr. Moses Rogers.

FROM THE STATE OF NEW-JERSEY.

The Rev. William Frazer.
The Rev. Uzal Ogden.
The Rev. Henry Waddel.
The Rev. George H. Spieren.
John Cox, Esq.
Robert Strettel Jones, Esq.
Samuel Ogden, Esq.

FROM THE STATE OF PENNSYLVANIA.

The Rev. Samuel Magaw, D.D.
The Rev. Robert Blackwell, D.D.
The Rev. Joseph Pilmore.
The Rev. Joseph G. J. Bend.
The Hon. Francis Hopkinson.
Samuel Powel, Esq.
Dr. Gerardus Clarkson.
Tench Coxe, Esq.

FROM THE STATE OF DELAWARE.

The Rev. Joseph Couden.
The Rev. Stephen Sykes.
James Sykes, Esq.
Thomas Duff, Esq.
Mr. Philip Reading.

FROM THE STATE OF MARYLAND.

The Rev. William Smith, D.D.
The Rev. Thomas John Claggett, D.D.
The Rev. Colin Ferguson, D.D.
The Rev. John Bisset.
Richard B. Carmichael, Esq.
Dr. William Frisby.

FROM THE STATE OF VIRGINIA.

Robert Andrews, Esq.

FROM THE STATE OF SOUTH CAROLINA.

The Rev. Robert Smith.
William Ward Burrows, Esq.
William Brisbane, Esq.

JOURNAL.

TUESDAY, July 28th, 1789.

Clerical and Lay Deputies from several of the States assembled; and judging it proper to wait the arrival of the Deputies from the other States,

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, July 29th, 1789.

The Convention met.

The Right Rev. Dr. White, President, ex officio.

The Rev. Dr. Claggett read prayers.

The Right Rev. Dr. Provost, who was to have preached on the opening of the Convention, being absent through indisposition, the Rev. Dr. Smith preached, agreeably to request made yesterday.

The Hon. Mr. Hopkinson was unanimously chosen Secretary, but being indisposed, Mr. Tench Coxe was requested to officiate.

Ordered, that the members present produce the testimonials of their respective appointments, which being produced, were read, and deemed satisfactory.

Mr. Andrews, Lay Deputy from Virginia, informed the Convention, that the Rev. Dr. Griffith, the Clerical Delegate from the said State, was in town, but detained by sickness from the Convention.

A certificate of the consecration of the Right Rev. William White, D.D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania, and the Right Rev. Samuel Provost, D.D., Bishop of said Church in the State of New York, signed by Robert Jenner, Notary Public, and dated February 4, 1787, was produced and read; also a certifi-

cate of the consecration of the Right Rev. Dr. White, signed by his Grace the Archbishop of Canterbury, and countersigned by his Grace the Archbishop of York, and the Right Rev. the Bishops of Bath and Wells and of Peterborough.

Mr. Andrews communicated to the Convention the following extract from the Minutes of the Convention of this Church in the State of Virginia.

"IN CONVENTION, MAY 8, 1789.

"Resolved,—That the Deputies appointed to attend the next General Convention of the Protestant Episcopal Church, be desired to notify to the next General Convention, that the Rev. Dr. Griffith, Bishop elect of the said Church in this State, has relinquished the said appointment, and that no person has been elected in his room."

A copy from the Journal of the Convention of the Protestant Episcopal Church in Virginia, held from May 6 to May 9, 1789, inclusive.

ROBERT ANDREWS,
Secretary of the Protestant Episcopal Convention in Virginia.

The Rev. Dr. Moore, Mr. Hopkinson, and Mr. Andrews, were appointed a Committee to prepare Rules of Order.

An invitation from the University of Pennsylvania to the Convention, to attend a Commencement, was presented by the Rev. Dr. Magaw, which was unanimously accepted, and the President was requested to signify the same, in writing, to the Trustees and Faculty.

Adjourned to 5 o'clock, P.M.

WEDNESDAY, July 29th, 1789, P. M.

The Convention met.

Mr. Hopkinson remaining indisposed, the Rev. Mr. Bend was requested to officiate during his indisposition.

Ordered, that the Rev. Dr. Smith, the Rev. Dr. Moore, and Mr. Ogden, be a Committee to prepare an address to the President of the United States.

On motion, ordered, that the Letters of Consecration of the Right Rev. Dr. White and the Right Rev. Dr. Provost, and the notarial certificate thereof, be recorded. (See Appendix.)

Ordered, that the Secretary procure a book for recording the Minutes and papers of the General Convention.

Ordered, that the Rev. Dr. Smith, the Rev. Dr. Beach, and Mr. Andrews, be a Committee to prepare an address of thanks to the Most Reverend the Archbishops of Canterbury

and York for their good offices in procuring the consecration of the American Bishops.

The Deputies from the several States being called upon to declare their powers, relative to the object of the following resolution of the Protestant Episcopal Church, viz.,—"Resolved, that it be recommended to the Conventions of this Church in the several States represented in this Convention, that they authorise and empower their Deputies to the next General Convention, after we shall have obtained a Bishop or Bishops in our Church, to confirm and ratify a General Constitution, respecting both the doctrine and discipline of the Protestant Episcopal Church in the United States of America,"—gave information that they came fully authorised to ratify a Book of Common Prayer, etc., for the use of the Church.

Ordered, that the Journal of the last General Convention be read, and that a copy of the Journals of the Convention be procured for each member.

Resolved,—That the thanks of this Convention be given to the Rev. Dr. Smith for his Sermon, and that he be requested to publish the same.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY, July 30th, 1789.

The Convention met.

The Rev. Dr. Beach read prayers.

The Rev. Mr. Sykes, the Rev. Mr. Couden, James Sykes, and Thomas Duff, Esquires, Deputies from Delaware, produced the credentials of their appointment, which being read and approved, they took their seats in the Convention.

The aforesaid Deputies were requested to state their powers relative to the ratification of a Book of Common Prayer, etc., which were deemed sufficient.

The Hon. Mr. Hopkinson, a Deputy for Pennsylvania, took his seat in Convention.

The Committee appointed to prepare rules for the orderly conduct of the Convention, reported the same, which were adopted.

On motion, ordered, that a Committee, consisting of a Deputy from each State, be appointed to take into consideration the proposed Constitution of the Protestant Episcopal

Church, and to recommend such alterations, additions, and amendments as they shall think necessary and proper.

The Rev. Dr. Moore, Mr. Jones, the Rev. Dr. Blackwell, Mr. Sykes, the Rev. Dr. Smith, Mr. Andrews, and the Rev. Mr. Smith, were appointed accordingly.

An act of the Clergy of Massachusetts and New Hampshire, recommending the Rev. Edward Bass for consecration, was laid before the Convention by the Right Rev. Dr. White, and is as follows.

The good providence of Almighty God, the fountain of all goodness, having lately blessed the Protestant Episcopal Church in the United States of America, by supplying it with a complete and entire Ministry, and affording to many of her communion the benefit of the labours, advice, and government of the successors of the Apostles:

We, Presbyters of said Church in the States of Massachusetts and New Hampshire, deeply impressed with the most lively gratitude to the Supreme Governor of the universe, for his goodness in this respect, and with the most ardent love to his Church, and concern for the interest of her sons, that they may enjoy all the means that Christ, the great Shepherd and Bishop of souls, has instituted for leading his followers into the ways of truth and holiness, and preserving his Church in the unity of the spirit and the bond of peace; to the end that the people committed to our respective charges may enjoy the benefit and advantage of those offices, the administration of which belongs to the highest Order of the Ministry, and to encourage and promote, as far as in us lies, a union of the whole Episcopal Church in these States, and to perfect and compact this mystical body of Christ, do hereby nominate, elect and appoint, the Rev. Edward Bass, a Presbyter of said Church, and Rector of St. Paul's, in Newburyport, to be our Bishop; and we do promise and engage to receive him as such, when canonically consecrated, and invested with the apostolic office and powers by the Right Reverend the Bishops hereafter named, and to render him all that canonical obedience and submission which, by the laws of Christ, and the constitution of our Church, is due to so important an office.

And we now address the Right Reverend the Bishops in the States of Connecticut, New York, and Pennsylvania, praying their united assistance in consecrating our said brother, and canonically investing him with the apostolic office and powers. This request we are induced to make, from a long acquaintance with him, and from a perfect knowledge of his being possessed of that love to God and benevolence to men, that piety, learning, and good morals, that prudence and discretion, requisite to so exalted a station, as well as that personal respect and attachment of the communion at large in these States, which will make him a valuable acquisition to the Order, and, we trust, a rich blessing to the Church.

Done at a meeting of the Presbyters whose names are underwritten, held at Salem, in the County of Essex, and Commonwealth of Massachusetts, the fourth day of June, Anno Salutis, 1789.

SAMUEL PARKER, Rector of Trinity Church, Boston.
T. FITCH OLIVER, Rector of St. Michael's Church, Marblehead.
JOHN COUSENS OGDEN, Rector of Queen's Chapel, Portsmouth, N.H.
WILLIAM MONTAGUE, Minister of Christ's Church, Boston.
TILLOTSON BRUNSON, Assistant Minister of Christ's Church, Boston.

A true copy. Attest: SAMUEL PARKER.

At the meeting aforesaid,

Voted,—That the Rev. Samuel Parker be authorised and empowered to transmit copies of the foregoing Act, to be by him attested, to the Right Reverend the Bishops in Connecticut, New York, and Pennsylvania; and that he be appointed our agent, to appear at any Convocation to be holden at Pennsylvania or New York, and to treat upon any measures that may tend to promote an union of the Episcopal Church throughout the United States of America, or that may prove advantageous to the interests of said Church.

EDWARD BASS, CHAIRMAN.

A true copy. Attest: SAMUEL PARKER.

A letter was also read from the Right Rev. Dr. Seabury, Bishop of the Church in Connecticut, to the Right Rev. Dr. White, and one from the same gentleman to the Rev. Dr. Smith.

Upon reading the said letters, it appearing that Bishop Seabury lay under some misapprehensions concerning an entry in the Minutes of a former Convention, as intending some doubt of the validity of his consecration,

Resolved unanimously,—That it is the opinion of this Convention, that the consecration of the Right Rev. Dr. Seabury to the Episcopal office is valid.

Mr. Burrows obtained leave of absence for Thursday.

Adjourned to 8 o'clock to-morrow morning.

FRIDAY, July 31st, 1789.

The Convention met.

The Rev. Mr. Smith read prayers.

Dr. William Frisby produced his credentials as a Lay Deputy from the State of Maryland; which being approved, he took his seat.

The Rev. Dr. Ferguson, a Deputy from Maryland, and Mr. Philip Reading, a Deputy from Delaware, took their seats.

The Convention then went in procession to the German Reformed Church, in consequence of the invitation received from the Trustees of the University of Pennsylvania to attend the Commencement.

FRIDAY, half-past 1, P.M.

The Convention having returned, they proceeded to business.

On motion, Resolved,—That a Committee, consisting of one Deputy from each State, be appointed to prepare a body of Canons for the government of this Church. And

The Rev. Dr. Beach, the Rev. Mr. Ogden, the Rev. Mr. Pilmore, the Rev. Mr. Couden, the Rev. Dr. Claggett, Mr. Andrews, and Mr. Brisbane, were appointed accordingly.

Resolved,—That on Monday next this Convention will resolve themselves into a Committee of the whole, for the purpose of taking into consideration the proposed Book of Common Prayer and Administration of the Sacraments.

Mr. Duff had leave of absence given him.

Resolved,—That the application of the Clergy of Massachusetts and New Hampshire to the Right Rev. Doctors Seabury, Provost, and White, be considered to-morrow in a Committee of the whole.

Mr. J. Cox and Mr. Ogden obtained leave of absence from Saturday evening till Monday.

Adjourned to 9 o'clock to-morrow.

SATURDAY, August 1st, 1786.

The Convention met.

The Rev. Mr. Ogden read prayers.

The Rev. Dr. Smith, from the Committee appointed to take into consideration the proposed Constitution of the Protestant Episcopal Church, and to recommend such alterations, additions, or amendments as they shall think necessary and proper, reported a Constitution for the same.

Ordered, that the said Constitution be read.

Ordered, that it be read a second time.

Samuel Powel, Esq., a Deputy from Pennsylvania, took his seat in the Convention.

The Constitution was then debated by paragraphs.

Resolved,—That the 1st, 2d, 4th, 5th, 6th, 7th, and 8th articles be adopted, and stand in this order—1, 2, 3, 4, 5, 6, 7; that they be a rule of conduct for this Convention; and that the remaining articles be postponed for the future consideration of this Convention.

The order for the day being called, the Convention resolved itself into a Committee of the whole, on the application of the Clergy of Massachusetts and New Hampshire to the Bishops in the States of Connecticut, New York, and Pennsylvania.

The Rev. Mr. Smith was called to the chair.

The Committee having made some progress in their business, rose, and reported progress, and obtained leave to sit again.

Adjourned to Monday morning, 9 o'clock.

MONDAY, August 3d, 1789.

The Convention met.

The Rev. Mr. Waddel read prayers.

The President having informed the Convention, by message, that the melancholy event of the death of the Rev. Dr. Griffith, which happened at his house this morning, necessarily detained him at home, the Rev. Dr. Smith was chosen President pro tempore.

Ordered, that the Rev. Dr. Moore, the Rev. Mr. Smith, Mr. Andrews, and Mr. Tench Coxe, be a Committee for settling the manner in which the Convention shall attend the funeral of the Rev. Dr. Griffith.

The Committee, after an adjournment of a few minutes, made the following Report:

Resolved,—That the senior Clergyman of the deputation of each State, except Virginia, attend the funeral of the Rev. Dr. Griffith as pall-bearer, and that the other members of this Convention attend as mourners, and that a Sermon be preached on the occasion.

Resolved,—That the Clergy of all denominations within this city be invited to attend his funeral.

This Report was agreed to, and the Rev. Dr. Smith was appointed to preach the funeral Sermon.

Resolved,—That the Rev. Dr. White, and Mr. Andrews, Lay Deputy from Virginia, be requested to walk as chief mourners, and direct all other matters relative to this melancholy event.

Adjourned to Tuesday, 9 o'clock A.M.

TUESDAY, August 4th, 1789.

The Convention met, and adjourned to the house of their President, to attend the funeral of the Rev. Dr. Griffith.

After the funeral, the Convention assembled, and adjourned to 4 o'clock, P.M.

TUESDAY, August 4th, P. M.

The Convention met.

On motion, resolved unanimously,—That the thanks of this Convention be given to the Rev. Dr. Smith, for his Sermon preached at the funeral of the Rev. Dr. Griffith, and that he be requested to furnish the Convention with a copy for publication.

The Convention resolved itself into a Committee of the whole, on the application of the Clergy of Massachusetts and New Hampshire.

The Committee having spent some time on the business, rose, and reported progress, and asked leave to sit again.

Dr. Claggett having been necessarily obliged to leave the Convention, the Rev. Mr. Bisset was appointed, in his stead, a member of the Committee for preparing a set of Canons.

The order for Monday being called up, it was, on motion, made the order of the day for Wednesday.

Adjourned to 9 o'clock to-morrow morning

WEDNESDAY, August 5, 1789.

The Convention met.

The Rev. Mr. Spieren read prayers.

The order of the day being called up, it was postponed.

The Convention then resolved itself into a Committee of the whole, on the application from the Clergy of Massachusetts and New Hampshire.

The Rev. Dr. Smith, in order to bring the business before them to a conclusion, offered the following resolves, viz.:

"The Committee of the whole, having had under their deliberate consideration the application of the Clergy of Massachusetts and New Hampshire, for the consecration of the Rev. Edward Bass, as their Bishop, do offer to the Convention the following resolves:

1st. Resolved,—That a complete Order of Bishops, derived as well under the English as the Scots line of Episcopacy, doth now subsist within the United States of America, in the persons of the Right Rev. William White, D.D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania; the Right Rev. Samuel Provost, D.D., Bishop of the said Church in the State of New York, and the Right

Rev. Samuel Seabury, D.D., Bishop of the said Church in the State of Connecticut.

2d. Resolved,—That the said three Bishops are fully competent to every proper act and duty of the Episcopal office and character in these United States, as well in respect to the consecration of other Bishops, and the ordering of Priests and Deacons, as for the government of the Church, according to such rules, Canons, and institutions as now are, or hereafter may be duly made and ordained by the Church in that case.

3d. Resolved,—That in Christian charity, as well as of duty, necessity, and expediency, the Churches represented in this Convention ought to contribute, in every manner in their power, towards supplying the wants, and granting every just and reasonable request of their sister Churches in these States; and, therefore,

4th, Resolved,—That the Right Rev. Dr. White and the Right Rev. Dr. Provost be, and they hereby are requested to join with the Right Rev. Dr. Seabury, in complying with the prayer of the Clergy of the States of Massachusetts and New Hampshire, for the consecration of the Rev. Edward Bass, Bishop elect of the Churches in the said States; but that, before the said Bishops comply with the request aforesaid, it be proposed to the Churches in the New England States to meet the Churches of these States, with the said three Bishops, in an adjourned Convention, to settle certain articles of union and discipline among all the churches, previous to such consecration.

5th. Resolved,—That if any difficulty or delicacy, in respect to the Archbishops and Bishops of England, shall remain with the Right Rev. Drs. White and Provost, or either of them, concerning their compliance with the above request, this Convention will address the Archbishops and Bishops, and hope thereby to remove the difficulty.

These resolves were unanimously agreed to as the Report of the Committee.

The Committee having finished the business committed to them, rose, and reported to the Convention the above resolves.

On motion of the Rev. Dr. Smith, seconded by Mr. Andrews, this Report was unanimously agreed to.

Ordered,—That the different Committees appointed by this Convention, which have not yet reported, be called upon to report.

The Committee for preparing an address to the Most Reverend the Archbishops of Canterbury and York, informed the Convention that they were not yet ready to make a final report.

The Committee for preparing an address to the President of the United States, reported that they had not yet finished the business committed to their care.

Ordered, that Mr. T. Coxe be added to the above Committee.

The Committee on the Canons reported certain Canons, which were ordered to be read.

On motion, the Convention resolved themselves into a Committee of the whole on the said Canons, the Rev. Mr. Smith in the chair.

The Committee having made some progress in the business committed to them, rose and reported, and asked leave to sit again to-morrow.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY, August 6th, 1789.

The Convention met.

The Rev. Mr. Couden read prayers.

On motion, Resolved,—That the Rev. Dr. Magaw, Mr. Tench Coxe, and Mr. Jones, be a Committee to assist the Secretary in revising and publishing the Minutes of the Convention.

The Committee for preparing an address to the President of the United States presented a draught, which was then read, and ordered to lie on the table.

The Convention then resolved themselves into a Committee of the whole on the Canons.

The Committee having spent some time on the business, rose and reported.

On motion, Resolved,—That the Report of the Committee lie on the table.

The address to the President of the United States was then read a second time.

It was afterwards read by paragraphs, and ordered to be engrossed for signing.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY, August 7th, 1789.

The Convention met.

The Rev. Mr. Frazer read prayers.

The Rev. Dr. Smith laid before the Convention, "Proposals for printing, by subscription, a body of Sermons upon the most important branches of practical Christianity, together with an address upon the same subject," which here follow.

PHILADELPHIA, August 5, 1789.

TO THE RIGHT REVEREND AND REVEREND THE CLERGY AND THE WORTHY AND HONOURABLE LAY MEMBERS OF THE PROTESTANT EPISCOPAL CHURCH, IN THE STATES OF NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, AND SOUTH CAROLINA, NOW ASSEMBLED IN GENERAL CONVENTION.

MY WORTHY FRIENDS AND BRETHREN:

The Sermons and Discourses whereof the texts and titles follow, are the result of the Author's labours as a preacher of the blessed Gospel for near forty years past. Sundry of them, which were composed and delivered on special public occasions, have been already printed, and have passed through several editions, in Europe as well as America; but the main body of them were composed and delivered in the character of a Parish Minister, viz., in the years 1764 and 1765, at Christ Church and St. Peter's, in the city of Philadelphia; from thence forward to the year 1780, in the churches of the Oxford Mission, in the county of Philadelphia; and from the latter part of the year 1780, to July 1st, 1789, in Chester parish, Kent County, Maryland.

During the foregoing long period of ministerial service, the author hath frequently been solicited to print, or to give manuscript copies of many of the Sermons; and hath, as his leisure would allow, so often indulged some of his too partial friends and hearers in the latter way, that copies of sundry Sermons have been multiplied in manuscript, and circulated in a condition not only very incorrect, but wholly without those last improvements and touches which the best of them stand much in need of, and which the author had always designed to bestow on some of them, and bequeath them as a legacy to his surviving friends and hearers, if health and opportunity should permit: and if that should not be the case, he had directed those few, together with the whole remainder in the following list, to be suppressed from public view as hasty and unfinished compositions.

But the late change in the author's situation, the resignation of his parochial as well as collegiate charge in the State of Maryland, and his return to his former station in the college of Philadelphia (added to the consideration of his advanced age), rendering it probable that he can never again engage in any stated parochial duty, the applications of some of his former friends and hearers have been renewed for the publication of sundry of those Sermons, which had long since been delivered before them, and of which some of them had been supplied with manuscript copies.

In some late conversations with judicious and worthy persons, both of the Clergy and Laity, respecting the present state of our churches and people in America, it hath been further suggested, that the cause of religion and truth might be much promoted by the publication of a sufficient number of sermons, or discourses, digested, as nearly as possible, into a system or body of divinity, comprehending the most useful and important articles of the Christian doctrine, treated of in a scriptural and evangelical way, in an easy, affectionate, and correct style, suited to the minds and apprehensions of the young and those of inferior capacity, as well as edifying to those of riper years and more improved understanding; not running out into learned niceties or debates, to disturb common readers or hearers, but avoiding all speculative and controversial subjects, or touching upon them only to improve them, as far as possible, towards the purposes of practical godliness and vital Christianity.

Although the author hath not the vanity to imagine that the following Sermons are wholly sufficient to this good design, yet they may lay the foundation of a more perfect work; and he finds, upon an arrangement of them under proper heads, that, in order to form a tolerably complete system, only a few sermons would be wanting, and those chiefly upon speculative and controversial points, as the author hath ever avoided in the pulpit, but which (if thought necessary in a work of this kind) might be selected from some of the ablest and most orthodox divines of our Church.

Indeed, it may be said that a complete body of sermons and divinity might be selected or compiled in this way; and attempts of that kind have been made with good effect. But as every age and country is best pleased with its own forms, compositions, and phrases of speech, the author flatters himself, that if it should please God to enable him to finish those sermons in the way he proposes, they will be at least acceptable to those who have desired the publication of any of them. He further trusts, that if his design should meet with that approbation and countenance which he affectionately solicits from the members of the Convention, they will be of use to all well-disposed Christians, and especially to those of the following descriptions, viz.:

1. To heads of families who may think it their duty to devote the evenings of the Lord's day to the instruction of their own households.

2. To pious and well-disposed persons (remote from places of public worship, or unprovided with ministers or pastors) who may wish to collect their neighbours and friends to spend some parts of a Sunday in public worship, and in reading sermons and books of devotion.

3. To young clergymen and preachers, who, being ill supplied with books or a variety of sermons on proper subjects, may be assisted in their earlier compositions by the present work, which it is proposed to comprise in about four octavo volumes, in the same sized paper and letter as this address: two volumes to be published yearly, at the rate of one dollar per volume on the delivery of the same to the subscribers.

WILLIAM SMITH.

On motion of Mr. J. Cox,

Resolved unanimously,—That the Members of this Convention being fully persuaded that the interests of religion and practical godliness may be greatly promoted by the publica-

tion of a body of Sermons, upon the plan proposed above; and being well satisfied of the author's soundness in the faith, and eminent abilities for such a work, do testify their approbation of the same, and their desire to encourage it, by annexing their names thereto as subscribers.

[Here the names are subscribed.]

The Convention then took up the Report of the Committee of the whole upon the Canons, which were read, and engrossed.

The said Canons were then adopted, and ordered to be signed by the President and Secretary. They are as follow.

Canons

FOR THE GOVERNMENT OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA, AGREED ON AND RATIFIED IN THE GENERAL CONVENTION OF SAID CHURCH, HELD IN THE CITY OF PHILADELPHIA, FROM THE 28TH DAY OF JULY TO THE 8TH DAY OF AUGUST, 1789, INCLUSIVE.

CANON 1.

In this Church there shall always be three Orders in the Ministry, viz., Bishops, Priests, and Deacons.

CANON 2.

Every Bishop elect, before his consecration, shall produce to the Bishops, to whom he is presented for that holy office, from the Convention by whom he is elected a Bishop, and from the General Convention, or a Committee of that body appointed to act in their recess, certificates, respectively in the following words, viz.:

Testimony from the Members of the Convention in the State from whence the person is recommended for Consecration.

We, whose names are underwritten, fully sensible how important it is, that the sacred office of a Bishop should not be unworthily conferred, and firmly persuaded that is is our duty to bear testimony on this solemn occasion without partiality or affection, do, in the presence of Almighty God, testify, that A. B. is not, so far as we are informed, justly liable to evil report, either for error in religion or for viciousness of life; and that we do not know or believe there is any impediment or notable crime for

which he ought not to be consecrated to that holy office. We do, moreover, jointly and severally declare that, having personally known him for three years last past, we do in our consciences believe him to be of such sufficiency in good learning, such soundness in the faith, and of such virtuous and pure manners and godly conversation, that he is apt and meet to exercise the Office of a Bishop, to the honour of God and the edifying of his Church, and to be an wholesome example to the flock of Christ.

Testimony from the General Convention.

We whose names are underwritten, fully sensible how important it is that the sacred office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear our testimony on this solemn occasion without partiality or affection, do, in the presence of Almighty God, testify that A. B. is not, so far as we are informed, justly liable to evil report either for error in religion or for viciousness of life; and that we do not know or believe there is any impediment or notable crime, on account of which he ought not to be consecrated to that holy office, but that he hath, as we believe, led his life, for three years last past, piously, soberly, and honestly.

Canon 3.

Every Bishop in this Church shall, as often as may be convenient, visit the churches within his Diocese or district, for the purposes of examining the state of his Church, inspecting the behaviour of the Clergy, and administering the apostolic rite of Confirmation.

Canon 4.

Deacon's Orders shall not be conferred on any person until he shall be twenty-one years old, nor Priest's Orders on any one until he shall be twenty-four years old; and, except on urgent occasion, unless he hath been a Deacon one year. No man shall be consecrated a Bishop of this Church until he shall be thirty years old.

Canon 5.

No person shall be ordained either Deacon or Priest, unless he shall produce a satisfactory certificate from some Church, parish, or congregation, that he is engaged with them, and that they will receive him as their minister, and allow him a reasonable support; or unless he be engaged as a professor, tutor, or instructor of youth, in some college, academy, or general seminary of learning, duly incorporated; or unless the Standing Committee of the Church in the State for which he is to be ordained, shall certify to the Bishop their full belief and expectation, that he will be received and settled as a pastor by some one of the vacant churches in that State.

Canon 6.

Every candidate for Holy Orders shall be recommended to the Bishop by a Standing Committee of the Convention of the State wherein he re-

sides, which recommendation shall be signed by the names of a majority of the Committee, and shall be in the following words:

We, whose names are hereunder written, testify that A. B., for the space of three years last past, hath lived piously, soberly, and honestly: Nor hath he at any time, as far as we know or believe, written, taught, or held, any thing contrary to the doctrine or discipline of the Protestant Episcopal Church. And, moreover, we think him a person worthy to be admitted to the sacred order of priest. In witness whereof we have hereunto set our hands. Dated the . . . day of . . . in the year of our Lord . . .

But before a Standing Committee of any State shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce testimonials of his good morals and orderly conduct for three years last past, from the Minister and Vestry of the parish where he has resided, or from the Vestry alone if the parish be vacant; a publication of his intention to apply for Holy Orders having been previously made by such Minister or Vestry.

Canon 7.

In every State in which there is no Standing Committee, such Committee shall be appointed at its next ensuing Convention; and in the mean time every candidate for Holy Orders shall be recommended according to the regulations or usage of the Church in each State, and the requisitions of the Bishop to whom he applies.

Canon 8.

No person shall be ordained in this Church until he shall have satisfied the Bishop and the two Presbyters, by whom he shall be examined, that he is sufficiently acquainted with the New Testament in the original Greek, and can give an account of his faith in the Latin tongue, either in writing or otherwise, as may be required.

Canon 9.

Agreeably to the practice of the primitive Church, the stated times of Ordination shall be on the Sundays following the Ember weeks: viz., the Second Sunday in Lent, the Feast of Trinity, and the Sundays after the Wednesdays following the fourteenth day of September and the thirteenth of December.

Canon 10.

No person, not a member of this Church, who shall profess to be episcopally ordained, shall be permitted to officiate therein, until he shall have exhibited to the Vestry of the Church in which he shall offer to officiate, a certificate signed by the Bishop of the Diocese or district, or, where there is no Bishop, by three Clergymen of the Standing Committee of the Convention of that State, that his Letters of Orders are authentic,

and given by some Bishop whose authority is acknowledged by this Church, and also satisfactory evidence of his moral character.

Signed by order of the Convention,

WILLIAM WHITE,

Bishop of the Protestant Episcopal Church in the Commonwealth of Pennsylvania, and President of the Convention.

FRANCIS HOPKINSON, Secretary.

Mr. Andrews moved the following resolve:

Whereas it appears that sundry other Canons are necessary for the good government of the Church,

Resolved,—That the Right Rev. Dr. White, the Rev. Dr. Smith, Rev. Dr. Magaw, Rev. Mr. Smith, Mr. Hopkinson, Dr. Clarkson, and Mr. T. Coxe, be a Committee to prepare and report to the next meeting of this Convention, such additional Canons as to them shall seem necessary.

Which was agreed to.

The Convention took into consideration the two Articles of the Constitution which had been postponed, and which they amended and agreed to.

Ordered, that the Constitution be engrossed for signing

The engrossed address to the President of the United States was read and signed by the Convention.

Ordered, that the Right Reverend Dr. Provost, the Rev. Mr. Smith, Mr. Andrews, Mr. John Cox, Mr. Brisbane, the Rev. Dr. Beach, the Rev. Dr. Moore, Mr. Rogers, the Rev. Mr. Ogden, Rev. Mr. Spieren, the Rev. Mr. Waddel, and the Hon. Mr. Duane, with such other gentlemen as have been deputed to this Convention, who may be in New York, be requested to present the same to the President of the United States.

Resolved,—That the said address, with the answer that may be received thereto, be printed in the Journals of the adjourned meeting of this Convention.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY, August 8th, 1789.

The Convention met.

The Rev. Mr. Bisset read prayers.

The engrossed Constitution of the Protestant Episcopal Church was then read, and signed by the Convention; and is as follows.

A General Constitution

Of the Protestant Episcopal Church in the United States of America.

Art. 1. There shall be a General Convention of the Protestant Episcopal Church in the United States of America on the first Tuesday of August, in the year of our Lord, 1792, and on the first Tuesday of August in every third year afterwards, in such place as shall be determined by the Convention; and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the States which shall have adopted this Constitution, shall be represented, before they shall proceed to business, except that the representation from two States shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.

Art. 2. The Church in each State shall be entitled to a representation of both the Clergy and the Laity, which representation shall consist of one or more Deputies, not exceeding four of each Order, chosen by the Convention of the State: and in all questions, when required by the Clerical or Lay representation from any State, each Order shall have one vote; and the majority of suffrages by States shall be conclusive in each Order, provided such majority comprehend a majority of the States represented in that Order. The concurrence of both Orders shall be necessary to constitute a vote of the Convention. If the Convention of any State should neglect or decline to appoint Clerical Deputies, or if they should neglect or decline to appoint Lay Deputies, or if any of those of either Order appointed should neglect to attend, or be prevented by sickness or any other accident, such State shall nevertheless be considered as duly represented by such Deputy or Deputies as may attend, whether lay or clerical. And if, through the neglect of the Convention of any of the Churches which shall have adopted, or may hereafter adopt this Constitution, no Deputies, either Lay or Clerical, should attend at any General Convention, the Church in such State shall nevertheless be bound by the acts of such Convention.

Art. 3. The Bishops of this Church, when there shall be three or more, shall, whenever General Conventions are held, form a House of revision; and when any proposed act shall have passed in the General Convention, the same shall be transmitted to the House of revision for their concurrence. And if the same shall be sent back to the Convention, with the negative or non-concurrence of the House of revision, it shall be again considered in the General Convention, and if the Convention shall adhere to the said act by a majority of three-fifths of their body, it shall become a law to all intents and purposes, notwithstanding the non-concurrence of the House of revision; and all acts of the Convention shall be authenticated by both Houses. And in all cases, the House of Bishops shall signify to the Convention their approbation or disapprobation, the latter with their reasons in writing, within two days after the proposed act shall have been reported to them for concurrence, and in failure thereof it shall have the operation of a law. But until there shall be three or more Bishops as aforesaid, any Bishop attending a General Convention shall be a member ex officio, and shall vote with the Clerical Deputies of the State to which he belongs. And a Bishop shall then preside.

ART. 4. The Bishop or Bishops in every State shall be chosen agreeably to such rules as shall be fixed by the Convention of that State. And every Bishop of this Church shall confine the exercise of his Episcopal office to his proper Diocese or District, unless requested to ordain or confirm, or perform any other act of the Episcopal office, by any Church destitute of a Bishop.

ART. 5. A Protestant Episcopal Church in any of the United States not now represented, may, at any time hereafter, be admitted, on acceding to this Constitution.

ART. 6. In every State, the mode of trying Clergymen shall be instituted by the Convention of the Church therein. At every trial of a Bishop there shall be one or more of the Episcopal Order present: and none but a Bishop shall pronounce sentence of deposition or degradation from the Ministry on any Clergyman, whether Bishop, or Presbyter, or Deacon.

ART. 7. No person shall be admitted to Holy Orders, until he shall have been examined by the Bishop and by two Presbyters, and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. Nor shall any person be ordained until he shall have subscribed the following declaration: "I do believe the Holy Scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to salvation: and I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States." No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid declaration.

ART. 8. A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion, and a form and manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in these States, which shall have adopted this Constitution.

ART. 9. This Constitution shall be unalterable, unless in General Convention by the Church in a majority of the States which may have adopted the same; and all alterations shall be first proposed in one General Convention, and made known to the several State Conventions, before they shall be finally agreed to, or ratified, in the ensuing General Convention.

In General Convention, in Christ Church, Philadelphia, August the 8th, One thousand seven hundred and eighty-nine.

	WILLIAM WHITE, D.D., Bishop of the Protestant Episcopal Church in the Commonwealth of Pennsylvania, and President of the Convention.
NEW YORK . . .	ABRAHAM BEACH, D.D., Assistant Minister of Trinity Church, in the City of New York.
	BENJAMIN MOORE, D.D., Assistant Minister of Trinity Church, in the City of New York.
	MOSES ROGERS.
NEW JERSEY. . .	WILLIAM FRAZER, Rector of St. Michael's Church, in Trenton, and St. Andrew's Church, in Amwell.

	Uzal Ogden, Rector of Trinity Church, Newark.
	Henry Waddell, Rector of Shrewsbury and Middletown, New Jersey.
	George H. Spieren, Rector of St. Peter's, Amboy.
	John Cox.
	Samuel Ogden.
	R. Strettell Jones.
PENNSYLVANIA .	Samuel Magaw, D.D., Rector of St. Paul's, Philadelphia.
	Robert Blackwell, D.D., Senior Assistant Minister of Christ Church and St. Peter's, Philadelphia.
	Joseph Pilmore, Rector of the United Churches of Trinity, St. Thomas, and All Saints.
	Joseph G. J. Bend, Assistant Minister of Christ Church and St. Peter's, Philadelphia.
	Francis Hopkinson.
	Gerardus Clarkson.
	Tench Coxe.
	Samuel Powel, Esq.
DELAWARE . . .	Joseph Couden, A.M., Rector of St. Anne's.
	Stephen Sykes, A.M., Rector of St. Peter's and St. Matthew's, in Sussex
	James Sykes. [County.
MARYLAND . . .	William Smith, D.D., a Clerical Delegate for Maryland, appointed in a Convention as Rector of Chester Parish, Kent County.
	Colin Ferguson, D.D., Rector of St. Paul's, Kent County.
	John Bissett, A.M., Rector of Shrewsbury Parish, Kent County.
	Richard B. Carmichael.
	William Frisby.
VIRGINIA	Robert Andrews.
SOUTH CAROLINA	Robert Smith, Rector of St. Philip's Church, Charleston, and Principal of Charleston College.
	William Brisbane.
	W. W. Burrows.

Proposals for an edition of the Holy Bible, by Mr. Isaac Collins, of Trenton, were laid before this Convention, and satisfactory information was given them, as to the proposer's abilities for the execution of the work.

Whereupon Resolved, on motion of Mr. Jones,

That the members of this Convention will assist Mr. Collins in the procuring of subscriptions.

The Committee for preparing an address to the Most Rev. the Archbishops of Canterbury and York, reported an address, which was read and adopted.

Ordered, that it be engrossed for signing, and that it be signed by the members of the Convention, as their address, and by the President officially.

Ordered, that it be published in the Journal of the adjourned meeting of this Convention.

On motion, Resolved,—That the Right Rev. Dr. White, Rev. Dr. Smith, Rev. Dr. Magaw, Hon. Mr. Hopkinson, Mr. T. Coxe, and Mr. Burrows, be a Committee to forward the above-mentioned address; to prepare and forward the necessary answers to the Rev. Mr. Parker and the Clergy of Massachusetts and New Hampshire, respecting their application for the consecration of the Rev. Edward Bass, their Bishop elect; to answer, as far as may be necessary, the Right Rev. Dr. Seabury's letters; to forward the minutes and proceedings of this Convention to the English Archbishops and Bishops; and also to the Right. Rev. Dr. Seabury, and to the Eastern and other Churches not included in this union, to notify to them the time and place to which this Convention should adjourn, and request their attendance at the same, for the good purposes of union and general government; and to call such special meetings of the Convention as may be necessary.

Resolved,—That this Convention adjourn, to meet at Philadelphia, on Tuesday, the 29th of September next, and that the Right Rev. Dr. Provost be requested to open the Convention with a Sermon.

Signed by order of the Convention,

WILLIAM WHITE,

Bishop of the Protestant Episcopal Church in the Commonwealth of Pennsylvania, and President of the Convention.

FRANCIS HOPKINSON, Secretary.

APPENDIX.

To all Persons to whom these presents shall come, or whom the same shall or may in any wise or at any time concern, we, John, by Divine Providence, Lord Archbishop of Canterbury, Primate of all England, and Metropolitan, send greeting:

Whereas by an Act of Parliament passed at Westminster, in the twenty-sixth year of the reign of our sovereign lord George the Third, King of Great Britain, France, and Ireland, entituled, "An Act to empower the Archbishop of Canterbury, or the Archbishop of York, for the time being, to consecrate to the Office of a Bishop, Persons, being Subjects or Citizens of Countries out of His Majesty's dominions,"—

It is enacted,—that it shall and may be lawful to and for the Archbishop of Canterbury, or the Archbishop of York for the time being, together with such other Bishops as they shall call to their assistance, to consecrate persons being subjects or citizens of countries out of his Majesty's dominions, Bishops for the purposes aforesaid, without the King's licence for their election, or the Royal mandate under the Great Seal for their confirmation and consecration, and without requiring them to take the oaths of allegiance and supremacy, and the oath of due obedience to the Archbishop for the time being. Provided always, that no persons shall be consecrated Bishops in the manner herein provided, until the Archbishop of Canterbury or the Archbishop of York, for the time being, shall have first applied for and obtained his Majesty's licence, by warrant under his Royal signet and sign manual, authorizing and impowering him to perform such consecration, and expressing the name or names of the persons so to be consecrated; nor until the said Archbishop has been fully ascertained of their sufficiency in good learning, of the soundness of their faith, and of the purity of their manners. Provided also, and be it hereby declared, that no person or persons consecrated to the office of a Bishop in the manner aforesaid, nor any person or persons deriving their consecration from or under any Bishop so consecrated, nor any person or persons admitted to the Order of Deacon or Priest by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishop or Bishops so consecrated, shall be thereby enabled to exer

cise his or their respective office or offices within his Majesty's dominions. Provided always, and be it farther enacted, that a certificate of such consecration shall be given under the hand and seal of the Archbishop who consecrates, containing the name of the person so consecrated, with the addition as well of the country whereof he is a subject or citizen, as of the Church in which he is appointed Bishop, and the farther description of his not having taken the said oaths, being exempted from the obligation of so doing by virtue of this Act.

Now know all men by these presents, that we the said John Lord Archbishop of Canterbury, having obtained his Majesty's licence, by warrant under his royal signet and sign manual, did, in pursuance of the said Act of Parliament, on Sunday, the fourth day of February, in the year of our Lord One thousand seven hundred and eighty-seven, in the Chapel of our Palace at Lambeth, in the county of Surry, admit our beloved in Christ, William White, Clerk, D.D., a subject or citizen of the State of Pennsylvania, in North America, and Rector of Christ Church and St. Peter's, in the city of Philadelphia, in the said State, of whose sufficiency in good learning, soundness in the faith, and purity of manners, we were fully ascertained, into the office of a Bishop of the Protestant Episcopal Church, in the State of Pennsylvania aforesaid, to which the said William White hath been elected by the Convention for the said State, as appears unto us by due testimony thereof by him produced, and him the said William White did then and there rightly and canonically consecrate a Bishop, according to the manner and form prescribed and used by the Church of England, his taking the oaths of allegiance, supremacy, and canonical obedience only excepted, he being exempted from the obligation of taking the said oaths by virtue of the above recited act. Provided, that neither he the said Bishop, nor any person or persons deriving their consecration from or under him, nor any person or persons admitted to the Order of Deacon or Priest by him, or his successor or successors, shall be enabled to exercise his or their respective office or offices within his Majesty's dominions. In testimony whereof we have caused our Archi-Episcopal seal to be affixed to these presents.—Given at Lambeth House the day and year above written, and in the fourth year of our translation.

J. [L. S.] CANTUAR.

We, William Lord Archbishop of York, Charles Lord

Bishop of Bath and Wells, and John Lord Bishop of Peterborough, were present, and assisting at the consecration within mentioned.

W. EBOR.
C. BATH AND WELLS.
J. PETERBOROUGH.

The signatures of the Archbishops of Canterbury and York, and of the Bishops of Bath and Wells, and Peterborough, were made in my presence, February 4th, 1787.

WM. DICKES,
SECRETARY TO THE ARCHBISHOP OF CANTERBURY.

(COPY.)

On Sunday, the fourth day of February, in the year of our Lord One thousand seven hundred and eighty-seven, and in the fourth year of the translation of the Most Reverend Father in God, John, by Divine Providence Lord Archbishop of Canterbury, Primate of all England, and Metropolitan, in the chapel at the Palace at Lambeth, in the county of Surry, the said Most Reverend Father in God, by virtue and authority of a certain licence or warrant from his most gracious Majesty, and our sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to him in this behalf directed, the Most Reverend Father in God, William, by the same Providence Lord Archbishop of York, Primate of England and Metropolitan, and the Right Reverend Fathers in God, Charles, by divine permission Lord Bishop of Bath and Wells, and John, by divine permission Lord Bishop of Peterborough, assisting him, consecrated the Rev. William White, Doctor in Divinity, Rector of Christ Church and St. Peter's, in the city of Philadelphia, a subject or citizen of the United States of North America, and the Reverend Samuel Provost, Doctor in Divinity, Rector of Trinity Church in the city of New York, a subject or citizen also of the United States of North America, to the Office of a Bishop respectively, the rites, circumstances, and ceremonies anciently used in the Church of England being observed and applied, according to the tenor of an Act passed in the twenty-sixth year of the reign of his said Majesty, entituled, "An Act to empower the Archbishop of Canterbury, or the Archbishop of York, for the time being, to consecrate to the Office of a Bishop, persons being subjects or citizens of

countries out of his Majesty's dominions," in the presence of me, Robert Jenner, Notary Public, one of the Deputy Registers of the Province of Canterbury, being then and there present the Reverend and Worshipful William Backhouse, Doctor in Divinity, Archdeacon of Canterbury, the Rev. —— Lort, Doctor in Divinity, the Rev. —— Drake, Doctor in Divinity, William Dickes, Esquire, Notary Public, Secretary to his grace the said Lord Archbishop of Canterbury, with many others in great numbers then and there assembled. Which I attest.

RT. JENNER,
NOTARY PUBLIC—ACTUARY ASSUMED.

(COPY.)

And we, the underwritten Notaries Public, by royal authority duly admitted and sworn, residing in Doctor's Commons, London, do hereby certify and attest, to all whom it may concern, that Robert Jenner, whose name is subscribed to the aforegoing act, was and is a Notary Public, and one of the Deputy Registers of the Province of Canterbury, and that the letters, name, and words, "Rt. Jenner, Notary Public," thereto subscribed, were and are of the proper handwriting and subscription of the said Robert Jenner; and that we saw him sign the same; and that full faith and entire credit is and ought to be given to all the acts, subscriptions, and attestations, of the said Robert Jenner, as well in judgment as out. In testimony whereof we have hereunto subscribed our names, to serve and avail as occasion may require, at Doctor's Commons, London, this fifth day of February, in the year of our Lord One thousand seven hundred and eighty-seven. Which we attest.

EDWARD COOPER, NOTARY PUBLIC.
WILLIAM ABBOT, NOTARY PUBLIC.

(COPY.)

NOTE.—The Letter of Consecration of the Right Rev. Dr. Provost, will be annexed to the next Journal of the General Convention.

DSC 69 - Excerpts from Statutes at Large of England and Great Britain (1743 to 1750)

PLAINTIFF'S EXHIBIT 69
PENGAD 800-631-6989

F. W. GNICHTEL,
COUNSELOR-AT-LAW,
TRENTON, N. J.

THE

STATUTES AT LARGE,

OF

ENGLAND

AND OF

GREAT-BRITAIN:

FROM MAGNA CARTA

TO THE UNION OF THE KINGDOMS OF

GREAT BRITAIN AND *IRELAND.*

In Twenty Volumes.

VOL. X.

From 16 George II. A.D. 1743.——To 23 George II. A.D. 1750.

Accurately printed from the Edition

Edited by John Raithby, of Lincoln's Inn, Esq. Barrister at Law.

LONDON:

Printed by George Eyre and Andrew Strahan, Printers to the King's Most Excellent Majesty;

And by Andrew Strahan, Law Printer to the King's Most Excellent Majesty.

M.DCCC.XI.

Barons, they are hereby authorized and required to grant Warrant for ſerving the ſame upon any nine or more of the ſaid Commiſſioners, to anſwer upon fifteen Days after ſuch Service; and then upon hearing the ſaid Complaint in a ſummary manner, with the Anſwers, if any be made by the ſaid Commiſſioners or other Parties having Intereſt, the ſaid Barons or any three of them, are hereby authorized and required to make ſuch Order, touching the Matter of the ſaid Complaint, as to them ſhall appear juſt, which Order ſhall be final; and in caſe it ſhall import any Variation of the Roll of Valuation made by the Commiſſioners, that Roll or Valuation ſhall be altered accordingly.

CAP. XXX.

An Act for encouraging the People known by the Name of *Unitas Fratrum*, or *United Brethren*, to ſettle in His Majeſty's Colonies in *America*.

'WHEREAS many of the People of the Church or Congregations called the *Unitas Fratrum* or *United Brethren*, 'are ſettled in His Majeſty's Colonies in *America*, and demean 'themſelves there as a ſober, quiet and induſtrious People; and 'many others of the ſame Perſuaſion are deſirous to tranſport 'themſelves to and make larger Settlements in the ſaid Colonies 'at their own Expence, provided they may be indulged with a 'full Liberty of Conſcience, and in the Exerciſe of the Religion 'they profeſs; and ſeveral of the ſaid Brethren do conſcientiouſly 'ſcruple the taking of an Oath, and likewiſe do conſcientiouſly 'ſcruple bearing Arms or perſonally ſerving in any military Capacity, although they are willing and ready to contribute what'ever Sums of Money ſhall be thought a reaſonable Compenſation 'for ſuch Service, and which ſhall be neceſſary for the Defence 'and Support of His Majeſty's Perſon and Government: And 'whereas the ſaid Congregations are an ancient Proteſtant Epiſcopal Church, which has been countenanced and relieved by the 'Kings of *England*, Your Majeſty's Predeceſſors: And whereas 'the encouraging the ſaid People to ſettle in *America* will be 'beneficial to the ſaid Colonies;' Therefore may it pleaſe Your Majeſty, at the humble Petition of *Abraham* Baron of *Gerſdorff*, *Lewis* Baron *Schrautenbach* free Lord of *Lindheim*, *David Nitſchmann* Syndic, *Charles Sebachmann* Baron of *Hermſdorff*, and *Henry Coſſart* Agent, Deputies from the ſaid *Moravian* Churches, in behalf of themſelves and their United Brethren, that it may be enacted; and be it therefore enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the twenty fourth Day of *June* One thouſand ſeven hundred and forty nine, every Perſon being a Member of the ſaid Proteſtant Epiſcopal Church, known by the Name of *Unitas Fratrum* or the *United Brethren*, and which Church was formerly ſettled in *Moravia* and *Bohemia*, and are now in *Pruſſia*, *Poland*, *Sileſia*, *Luſatia*, *Germany*, the *United Provinces*, and alſo in His Majeſty's Dominions, who ſhall be required upon any lawful Occaſion to take an Oath in any Caſe where by Law an Oath is or ſhall be required, ſhall, inſtead of the uſual Form, be permitted to make his

Members of *Unitas Fratrum* may make a ſolemn Affirmation in lieu of Oath.

his or her ſolemn Affirmation or Declaration in theſe Words following:

Affirmation. 'I *A. B.* do declare in the Preſence of Almighty God, the Witneſs of the Truth of what I ſay.'

Which ſaid ſolemn Affirmation or Declaration ſhall be adjudged and taken, and is hereby enacted and declared to be of the ſame force and effect, to all Intents and Purpoſes, in all Courts of Juſtice, and other Places where by Law an Oath is or ſhall be required within the Kingdoms of *Great Britain* and *Ireland*, and alſo in all and every of His Majeſty's Colonies and Dominions in *America*, as if ſuch Perſon had taken an Oath in the uſual Form.

Falſe affirming. II. And be it further enacted by the Authority aforeſaid, That any Perſon making ſuch ſolemn Affirmation or Declaration, who ſhall be lawfully convicted, wilfully, falſly and corruptly to have affirmed or declared any Matter or Thing, which, if the ſame had been depoſed on Oath in the uſual Form, would have Perjury. amounted to wilful and corrupt Perjury, every ſuch Perſon ſo offending ſhall incur the ſame Pains and Penalties, as by the Law and Statutes of this Realm are enacted againſt Perſons convicted of wilful and corrupt Perjury.

Criminal Caſes, &c. III. Provided, and be it enacted, That no Perſon being of the ſaid Church or Congregation called the *Moravian* or *United Brethren*, ſhall by virtue of this Act be qualified to give Evidence in any Criminal Cauſes, or to ſerve on Juries; any thing contained in this Act to the contrary notwithſtanding.

Moravians diſcharged from military Service IV. And be it further enacted, That every Perſon who is a Member of the ſaid Church or Congregation, who ſhall reſide in any of His Majeſty's Colonies in *America*, who ſhall at any time after the ſaid twenty fourth Day of *June* One thouſand ſeven hundred and forty nine, be ſummoned to bear Arms or do Military Service in any of His Majeſty's ſaid Colonies or Provinces of *America*, ſhall, on his Application to the Governor or Commander in Chief of the ſaid Colony or Province, or to ſuch Officer or Perſon by whom ſuch Perſon ſhall have been ſummoned or required to ſerve or be muſtered, be diſcharged from ſuch perſonal upon Payment of Rate aſſeſſed; Service; provided that ſuch Perſon ſo deſiring to be diſcharged from ſuch perſonal Service, contribute and pay ſuch Sum of Money as ſhall be rated and aſſeſſed on him in lieu of ſuch perſonal Service, ſo as ſuch Sum ſhall be rated, aſſeſſed and levied, and be in ſuch proportion as is uſually rated, aſſeſſed, levied and paid, by other Perſons reſiding in the ſame Colony or Province, who are by reaſon of Age, Sex or other Infirmity, unable to do perſonal Service, and who are poſſeſſed of Eſtates of the ſame Nature as the Perſons deſiring ſuch Diſcharge.

and producing Certificate from Biſhop, &c. V. And to prevent any Doubt which may ariſe, whether any Perſon pretending or claiming to be a Member of ſuch Church or Congregation is actually a Member thereof, Be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons whatſoever, who ſhall, as a Member or Members of ſuch Church or Congregation, claim the Benefit of this Act or of any matter or thing herein contained, ſhall, at the time when he or they make ſuch Claim, produce a Certificate ſigned by ſome Biſhop of the ſaid Church or by the Paſtor of ſuch Church or Congregation who,

who ſhall be neareſt to the Place where ſuch Claim is made; and ſhall be examined concerning the Matters contained in the ſaid Certificate, and the due Execution thereof; and ſuch Perſon ſo affirming to the beſt of his Knowledge and Belief in manner hereinbefore mentioned, or proving by the Teſtimony of other legal Witneſs that the ſaid Certificate was duly executed by ſuch Biſhop or Paſtor, and alſo affirming that he is actually a Member of the ſaid Church, known by the Name of *Unitas Fratrum* or *United Brethren*, ſhall be adjudged, deemed and taken to be actually a Member of the ſaid Church or Congregation, and as ſuch ſhall be intitled to the Benefit of this Act.

False affirming.

VI. And be it further enacted, That any Perſon who ſhall be lawfully convicted of having wilfully, falſly and corruptly affirmed or declared in manner aforeſaid, that ſuch Certificate was duly executed, or that he is a Member of ſuch Church, when in fact ſuch Affirmation is untrue, ſuch Perſon ſo falſly affirming, and being duly convicted thereof, ſhall incur the ſame Pains and Penalties, as by the Law and Statutes of this Realm are enacted againſt Perſons convicted of wilful and corrupt Perjury.

Perjury.

Liſts of Biſhops appointed to grant Certificates, &c. laid before Board of Trade.

VII. And that it may be known whether ſuch Biſhops and Paſtors ſo ſigning ſuch Certificate be of the Church known by the Name of *Unitas Fratrum* or *United Brethren*, within the Meaning of this Act, Be it further enacted, That the Advocate of the ſaid Church or Congregation of the *United Brethren* for the time being, ſhall lay, or cauſe to be laid before *The Commiſſioners for Trade and Plantations*, in order that the ſame may remain in their Office, a Liſt or Liſts of all the Biſhops of the ſaid Church of the *United Brethren*, who are appointed by them to grant Certificates as aforeſaid, together with their Hand Writing, and uſual Seal; and that, from time to time, the ſaid Advocate ſhall ſend to the ſaid Commiſſioners for Trade and Plantations, the Names, Hand Writing and Seals of any Biſhops that ſhall be hereafter conſecrated and appointed by them as aforeſaid, and the Names of ſuch Paſtors as ſhall be authorized by the ſaid Advocate or Biſhops to give Certificates in any of His Majeſty's Colonies in *America*.

Publick Act.

VIII. And be enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed, adjudged and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXXI.

An Act for opening and making a new Road from the Eaſt End of *New Street*, in the Pariſh of *Saint John Southwark*, to and through the ſeveral Places therein mentioned; and for keeping the ſaid Road in Repair for the future.

[*See 7 G. 3. c. 64. 31 G. 3. c. 110.; Term and Powers enlarged for 21 Years, &c. 38 G. 3. c. xxv.; and former Tolls repealed and others granted, as therein mentioned, 43 G. 3. c. cxxxii.*]

DSC 70 - Journal of the Diocese's Annual Convention (1866) (excerpt)

PREAMBLE AND RESOLUTIONS

OF THE

General Council of Protestant Episcopal Church

IN THE (LATE) CONFEDERATE STATES,

ORDERED TO BE PREFIXED TO THIS JOURNAL.

WHEREAS, The several Dioceses, which we, as Bishops and Deputies, represent at this Council, were impelled by political events to separate, as a legislative capacity, from the Protestant Episcopal Church in the United States, and did decide, upon grounds sanctioned by Holy Scripture and Primitive Antiquity, to unite together and adopt, for their better government and more convenient action, a Constitution and Code of Canons, and did meet, in pursuance of that Constitution, in General Council, in November, 1862; and

Whereas, This Church, so organized, although arising out of political events, was from that time a duly organized branch of the One Catholic and Apostolic Church, and may of right so continue to be, or may, through the action of its several Diocesan Councils, form any other Synodical Association; and

Whereas, In the opinion of several of the Dioceses which co-operated to the formation of this independent branch of the Church Catholic, the exigency which caused its arrangement no longer exists; and

Whereas, The spirit of charity which prevailed in the proceedings of the General Convention of the Protestant Episcopal Church in the United States, at its late session in Philadelphia, has warmly commended itself to the hearts of this Council; therefore,

Resolved-I. That, in the judgment of this Council, it is perfectly consistent with the good faith which she owes to the Bishops and Dioceses with which she has been in union since 1862, for any Diocese to decide for herself whether she shall any longer continue in union with this Council.

II. That it be recommended that wherever the word "CONFEDERATE" occurs in the Standards of this Church, the word "UNITED" be substituted therefor.

III. That inasmuch as the change recommended in the preceding Resolution (being a change in the Prayer Book), cannot be legally completed until the next meeting of this Council, under the circumstances it should, in the meantime, have the force of law in any Diocese, when approved by the Bishop or Diocesan Council.

IV. That each Diocese now in connection with this Council shall be governed by the Constitution and Canons thereof, until such time as it shall have declared its withdrawal therefrom, as hereinafter provided for.

V. That whenever any Diocese shall determine to withdraw from the Ecclesiastical Confederation, such withdrawal shall be considered as duly accomplished when an official notice, signed by the Bishop and Secretary of such Diocese, shall have been given to the Bishops of the Dioceses remaining in connection with this Council.

JOURNAL

OF THE

PROCEEDINGS

OF THE

SEVENTY-SIXTH ANNUAL CONVENTION

OF THE

Protestant Episcopal Church in South Carolina,

HELD IN GRACE CHURCH, CHARLESTON,

On the 14th, 15th, 16th, and 17th of February,

1866,

WITH

LISTS OF THE CLERGY AND PARISHES,

PAROCHIAL REPORTS, THE CONSTITUTION, CANONS, RULES OF ORDER AND STANDING RESOLUTIONS, FORM FOR THE INCORPORATION OF CHURCHES, ETC., ETC.

CHARLESTON:
JOSEPH WALKER, AGT., PRINTER.
129 MEETING STREET.
1866.

DSC-J-313-03006

DSC 72 - Letter of November 19, 2013

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November 19, 2013

Via Certified Mail, Return Receipt Requested
Mr. N. Kurt Barnes
Treasurer and Chief Financial Officer
The Episcopal Church
The Episcopal Church Center
815 Second Avenue
New York, NY 10017

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT
72

Dear Mr. Barnes,

It has come to my attention that the following congregations of The Protestant Episcopal Church in the Diocese of South Carolina may continue to be listed under the group exemption GEN 3741 for The Episcopal Church. My understanding is that such listing requires the express, written permission of the listed group members. We have not had a recent request for such permission. Nevertheless, we wish to make clear that we do not give permission to be included under this group exemption. If the following congregations are listed under your GEN, please remove them:

The Parish Church of St. Helena's, Beaufort
St. Luke's Episcopal Church, Hilton Head
Episcopal Church of the Atonement, Walterboro
Cathedral of St. Luke & St. Paul, Charleston
St. Michael's Church, Charleston
Christ Episcopal Church, Mt. Pleasant
Holy Trinity Episcopal Church, Charleston
St. Andrew's Mission, Charleston
Trinity Episcopal Church, Edisto Island
Church of Our Savior, Johns Island
St. Johns Episcopal Church, Johns Island
Christ - St. Pauls Episcopal Parish, Yonges Island
St. Davids Church, Cheraw
St. Barnabas Episcopal Church, Dillon
Christ Episcopal Church, Florence
Church of the Ascension, Hagood
Church of the Advent, Marion
Church of the Holy Cross, Stateburg
The Church of the Cross, Bluffton
Holy Trinity Episcopal Church, Ridgeland
St. Jude's Episcopal Church, Walterboro
St. John's Chapel, Charleston
St. Philip's Church, Charleston
Church of the Holy Cross, Sullivan's Island
Old St. Andrew's Episcopal Church, Charleston
St. James Episcopal Church, Charleston
St. James Church, Goose Creek
Iglesia Episcopal de San Juan, Johns Island
St. Pauls Episcopal Church, Summerville
St. Pauls Episcopal Church, Bennettsville
St. Matthews Episcopal Church, Darlington
All Saints Episcopal Church, Florence
St. John's Episcopal Church, Florence
St. Bartholomews Episcopal Church, Hartsville
Church of the Holy Comforter, Sumter
St. Pauls Episcopal Church, Conway

Prince George Winyah Episcopal Church, Georgetown
Christ the King Waccamaw, Pawleys Island
Church of the Holy Apostles, Barnwell
St. Matthews Episcopal Church, Ft. Motte
Church of the Redeemer, Orangeburg
Church of the Redeemer, Pineville
St. Matthias Episcopal Church, Summerton
Trinity Episcopal Church, Myrtle Beach
Episcopal Church of the Resurrection, Surfside Beach
Church of the Epiphany, Eutawville
St. Johns Church, Strawberry Chapel
St. Pauls Episcopal Church, Orangeburg
Trinity Episcopal Church, Pinopolis

If there are further questions, please feel free to call me.

With my best regards, I am

Wade H. Logan, III
Chancellor
The Protestant Episcopal Church in the Diocese of South Carolina

cc: Reverend James B. Lewis
Mr. Gordon L. McCay
C. Alan Runyan, Esq.

DSC 74 - Page from Legal Notices Section of Post and Courier

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Legal Notices

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NTICE OF AMENDMENT
THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA
YOU WILL PLEASE TAKE NOTICE that on February 20, 1987, the following resolution to amend the charter of The Protestant Episcopal Diocese of South Carolina will be introduced in the One Hundred Ninety Seventh Diocesan Convention to be held at the Cathedral Church of Saint Luke and Saint Paul, 126 Coming Street, Charleston, South Carolina, the said resolution being as follows:
RESOLVED, That the Bishop and and the Executive Secretary of the Convention be, and they are hereby authorized and directed to apply to the Secretary of State of South Carolina for an amendment of the name of the charter of this organization from "The Protestant Episcopal Diocese of South Carolina" to "The Protestant Episcopal Church in the Diocese of South Carolina."

s/The Right Reverend
C. F. Allison, President
s/The Venerable
John Q. Beckwith, III, Secretary

Filing Notice

PUBLIC NOTICE

David Bogan has applied to the South Carolina Coastal Council for a permit to provide commercial docking/packing facilities for use in Port Royal, South Carolina on Battery Creek adjacent to the South Carolina Ports Authority. Comments will be received by the South Carolina Coastal Council; Summerall Center, 19 Hagood Street, Suite 802, Charleston, South Carolina, 29403 by March 5, 1987.

PUBLIC NOTICE

James Parker has applied to the South Carolina Coastal Council for a permit to construct a 65' walkway and 5' x 10' floating dock for private use at Hamlin Creek, Goat Island, Charleston County, S.C. Comments will be received by the South Carolina Coastal Council, Summerall Center, 19 Hagood Street, Suite 802, Charleston, S.C. 29403 by February, March 1, 1987

General Notices

PUBLIC NOTICE

I WILL NOT BE RESPONSIBLE FOR ANY DEBTS OR OBLIGATIONS INCURRED BY ANYONE OTHER THAN MYSELF.

JAMES R. PYE

Invitation To Bid

ATTENTION
Area Realtors

The South Carolina Research Authority (SCRA) is requesting [illegible] Resident Area Rural Estate Companies to submit qualifications and proposals for marketing the

USED CAR CLEARANCE

UNDER $4995

81 NISSAN 210 GX
SW, 5 speed, Stk No 3032-B
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Clearance Price $3995

82 FORD GRANADA
4 door, automatic, Stk No. 2007-B
Clearance Price $3995

85 DODGE COLT
2 door, automatic, Stk No. 351-A
Clearance Price $4650

84 PONTIAC T-100
4 Dr. A/T, Sable Brn. Stk No.172-Z
Clearance Price $4550

82 HONDA CIVIC
2 Dr A/T Silver, Stk. No. 259-A
Clearance Price $4750

81 TOYOTA CELICA
2 Dr 5 Spd Stk No 4042-A Silver
Clearance Price $3995

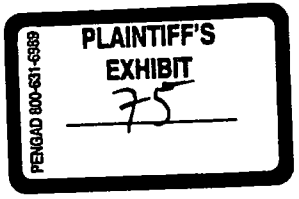
UNDER $5995

82 TOYOTA TERCEL SR5
2 Dr 5 Spd Blk Stk No D1947
Clearance Price $5350

[illegible] NISSAN STANZA

DSC 75 - Summary of Money Flow

According to OUR records:				
	Total	**Sent to**	**Sent to other**	**Tot**
	Received through	**Diocesan**	**community**	**Remaining wit**
Source	**the Diocese**	**Churches**	**Entities or individuals**	**the Dioces**
DFMS grants	$ 127,730	$ 20,629	$ 53,001	$ 54,10
DFMS gifts transmitted	$ 5,000		$ 5,000	
DFMS Loans to churches	$ 25,000	$ 25,000		
United Thank Offering grants	$ 230,938	$ 58,000	$ 172,938	
Presiding Bishop's Fund for World Relief*	$ 340,600	$ 65,000	$ 275,600	
Total Received	**$729,268**	**$168,629**	**$506,539**	**$54,10**
Ratios of Receipts to total		**23.12%**	**69.46%**	**7.42**
*Includes $145,000 for Hurricane Hugo				
Amount Paid to TEC from 1873 - 2012	**$ 6,341,948**			
Ratio of Diocesan giving to TEC vs. receipts (column E) from TEC -117 to 1				
Ratio of Diocese giving to TEC vs. receipts, churches				
and diocese (Columns E+C) 28 to 1				



DSC 76 - Statement of Bishops on the polity of the Episcopal Church

BISHOPS' STATEMENT ON THE POLITY OF THE EPISCOPAL CHURCH

The Right Reverend James M. Adams, Jr.
Bishop of Western Kansas

The Right Reverend Peter H. Beckwith
Bishop of Springfield

The Right Reverend William C. Frey
Assisting Bishop of Rio Grande; Retired Bishop of Colorado

The Right Reverend Alden M. Hathaway
Retired Bishop of Pittsburgh

The Right Reverend John W. Howe
Bishop of Central Florida

The Right Reverend Russell E. Jacobus
Bishop of Fond du Lac

The Right Reverend Paul E. Lambert
Bishop Suffragan of Dallas

The Right Reverend Mark J. Lawrence
Bishop of South Carolina

The Right Reverend Edward S. Little II
Bishop of Northern Indiana

The Right Reverend William H. Love
Bishop of Albany

The Right Reverend D. Bruce MacPherson
Bishop of Western Louisiana

The Right Reverend Edward L. Salmon, Jr.
Retired Bishop of South Carolina

The Right Reverend Michael G. Smith
Bishop of North Dakota

The Right Reverend James M. Stanton
Bishop of Dallas

The Right Reverend Don A. Wimberly
Bishop of Texas

Also Endorsed By:

The Reverend Canon Professor
Christopher Seitz
The Reverend Dr. Philip Turner
The Reverend Dr. Ephraim Radner
(The Anglican Communion Institute, Inc.)

BISHOPS' STATEMENT ON THE POLITY OF THE EPISCOPAL CHURCH

We write as Bishops of The Episcopal Church, the Anglican Communion and the One, Holy, Catholic, and Apostolic Church. We are joined by distinguished theologians known for their long service throughout the Anglican Communion.

The Historic Episcopate has always been recognized as an essential non-negotiable element of our Anglican identity, including by the Bishops of The Episcopal Church "in Council assembled as Bishops in the Church of God" and recorded in the Chicago-Lambeth Quadrilateral.[1] Bishops are successors to the apostles and upon their consecration receive the authority and responsibility inherent in the sacred and unbroken apostolic office. The people of God are united in one local church by their communion with their Bishop, and through the communion of all the Bishops in a college of Bishops the people of God around the world are joined in one communion. Resolution 49 of the 1930 Lambeth Conference, quoted in part in the preamble to our Constitution, notes that the Anglican Communion consists of "those duly constituted Dioceses, Provinces and regional Churches in communion with the See of Canterbury" that are "bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference."[2]

This understanding of the Historic Episcopate derives first from the authority Jesus bestowed on his disciples and second on the Apostles' subsequent provision for the continuation of their ministry without interruption by those consecrated to the office of Bishop. The joint Anglican Roman Catholic International Commission described the understanding of episcopal authority shared by the two communions:

> The Spirit of Christ endows each bishop with the pastoral authority needed for the effective exercise of *episcope* within a local church. This authority necessarily includes responsibility for making and implementing the decisions that are required to fulfill the office of a bishop for the sake of *koinonia*. Its binding nature is implicit in the bishop's task of teaching the faith through the proclamation and explanation of the Word of God, of providing for the celebration of the sacraments, and of maintaining the Church in holiness and truth. Decisions taken by the bishop in performing this task have an authority which the faithful have a duty to receive and accept.[3]

I

The Bishop Is the Ecclesiastical Authority in the Diocese

The Constitution and Canons of General Convention make the Bishop the Ecclesiastical Authority in the diocese. That authority is always properly exercised in accordance with the constitution and canons of the diocese, but from the perspective of the Constitution it is the Bishop (or the Standing Committee in the absence of a Bishop) that is the Ecclesiastical Authority, not any central body or officer.

Our Constitution does not purport to define the authority inherent in the office of Bishop, but

recognizes in Article II that our jurisdiction is that of an "Ordinary" and affirms through the use of this significant term that the Bishops of The Episcopal Church possess the full authority of the apostolic office. "Ordinary" is a term of art in Anglican and Roman Catholic ecclesiology and canon law that refers to the power inherent in the office given by the Lord to Peter and the Apostles. In the Roman Catholic Church, "ordinary power" is the power exercised by the Bishop of Rome as successor to Peter in a supreme and universal manner and by the diocesan bishops within their sees.[4] It is the power that derives from divine office, not canon law.

The Church of England, which itself received the Historic Episcopate from the Roman Catholic Church, continues to recognize in its canon law that its diocesan bishops exercise "jurisdiction as Ordinary."[5] The Anglican co-chairman of the Anglican Roman Catholic International Commission explained the inherent authority of bishops as follows: "The essential powers and responsibilities of apostolic ministry are inherent in the gift of this ministry. They may be ordered and given shape by human law, but they are not the creation of human law."[6] The inherent nature of this authority was noted by the seminal thinker on Anglican polity, Richard Hooker, who followed St. Augustine in emphasizing that this authority was "not by force of any council (for councils do all presuppose bishops, nor can there any council be named so ancient, either general, or as much as provincial, [since] the Apostles' own time, but we can shew that bishops had their authority before it, and not from it)."[7]

Following the American Revolution, the several Episcopal Churches in this country received this same apostolic office from the Church of England prior to the formation of The Episcopal Church itself. This point must be emphasized: the Historic Episcopate existed among Anglicans in this country prior to the adoption of our Constitution. By subsequently using the term "Ordinary" to describe its diocesan Bishops, our Constitution affirms this historic office as understood in both Anglican and Roman Catholic tradition and recognizes the inherent authority of its Bishops, an authority they possess by means of their apostolic office and not through administrative powers enumerated in our Constitution and canons.

This inherent authority of a Bishop is also given constitutional recognition by two other provisions in our Constitution. The first, already noted, describes the Bishop and Standing Committee in the absence of a Bishop as "the Ecclesiastical Authority" in the diocese.[8] The second prohibits any Bishop from acting in another diocese without consent of the diocesan authority. Not even the whole House of Bishops or, indeed, the entire General Convention acting unanimously could override this constitutional reservation of ecclesiastical authority to the diocesan Bishop and Standing Committee. Lest there be any doubt about this issue, the Constitution specifies that Bishops can act outside their own dioceses even when authorized by the House of Bishops only in "territory not yet organized into Dioceses of this Church."[9]

It is significant in this regard that the office of Presiding Bishop, unlike that of diocesan Bishop, is a constitutionally-defined office.[10] The Presiding Bishop does not have a see and does not exercise ordinary power, but only the limited authority delegated by the Constitution and duly enacted canons. Included in this defined authority is jurisdiction over the small number of churches known as the "Convocation of American Churches in Europe," but even this limited jurisdiction is exercised with the consent of other Anglican Bishops having authority in Europe. The Presiding Bishop at the "direction" of the House of Bishops may also act or authorize others to act in unorganized territory, but the primary responsibility of the Presiding Bishop is,

as the name implies, to preside at the meetings of the House of Bishops and to act as its agent in canonical matters. But neither the House of Bishops as a whole nor the Presiding Bishop on its behalf has ecclesiastical authority to act within or speak on behalf of a diocese.

We emphasize this significant feature of our governance at the outset because in the recent controversies surrounding the withdrawal of several dioceses from The Episcopal Church the Presiding Bishop and others acting on her behalf, including the Presiding Bishop's chancellor, have purported to act within dioceses, to "recognize" or "de-recognize" diocesan officers and to speak on behalf of The Episcopal Church in civil litigation involving dioceses. We respect the desire of the Presiding Bishop to provide pastoral assistance in these areas, and indeed we too want to do all that we can to reach out to persons in those dioceses who wish to remain in The Episcopal Church. But neither she nor anyone acting on her behalf has constitutional authority to act without consent from the Ecclesiastical Authority except in unorganized territory. Nor are they authorized to speak for The Episcopal Church in civil litigation within a diocese. That is not among the constitutional powers conferred on the Presiding Bishop or the House of Bishops or the General Convention as a whole. That is the constitutional prerogative of the Ecclesiastical Authorities of the dioceses, their Bishops and Standing Committees. However we respond to the pastoral needs of continuing Episcopalians in the seceding dioceses, it must be done in accord with our Constitution and Canons.

II

The Fundamental Structure of The Episcopal Church Is That of a Voluntary Association of Equal Dioceses

Given the constitutional reservation of authority within the diocese to the Bishop and Standing Committee, it is not surprising that the fundamental structure of our Church is that of a voluntary association of equal dioceses.

It is significant that the same term, "voluntary association," has been used by both the founding father of The Episcopal Church to describe the organization he was so instrumental in forming and by the civil law to describe religious societies and other unincorporated voluntary organizations in general. Our Church's primary architect was, of course, William White, and his blueprint was *The Case of the Episcopal Churches in the United States Considered,* published in 1782 as the Revolutionary War was nearing an end. As a result of American independence, many of the former Church of England parishes had become independent churches while others were still organized as state churches under the control of state legislatures. White's concept, later accepted by others in the former colonies, was that the Anglican churches would first be organized into state churches and then the state churches would organize themselves nationally as a voluntary association of state churches (now called "dioceses").[11] Pursuant to this plan, White was one of the first two Americans consecrated by the Archbishop of Canterbury in 1787 to serve in the Episcopal Churches. When The Episcopal Church eventually was duly organized in 1789, Bishop White and Bishop Samuel Seabury, consecrated by the Scottish Episcopal Church, sat as the first House of Bishops at the first General Convention.[12]

Just as the thirteen states were the "independent and sovereign" constituents of the American

confederation that existed when the church now known as The Episcopal Church was being formed, the state churches were the bodies that combined to constitute what was initially called the Protestant Episcopal Church. It was the dioceses, then co-extensive with the newly-independent states, that created our Church's Constitution and General Convention. The constitutional mechanisms of governance they created preserved their status as equal members of a voluntary association of dioceses. As noted by the official commentary on our Constitution and canons, "Before their adherence to the Constitution united the Churches in the several states into a national body, each was completely independent." It then describes that national body they created as "a federation of equal and independent Churches in the several states."[13]

As this brief summary of our founding history shows, the fundamental structure of The Episcopal Church from the outset has been that of a voluntary association of dioceses meeting together in a General Convention as equals. This structure is clearly reflected in our Constitution. There is no provision in the Constitution that defines a diocese. The dioceses are the undefined constituent elements out of which The Episcopal Church is formed. In contrast, General Convention is created and defined in Article I, which still provides in language virtually unchanged from the original that "The Church in each diocese which has been admitted to union with the General Convention...shall be entitled to representation...." As this current language makes clear, "Churches" in dioceses are not created by General Convention. They are "admitted" (upon their application and its acceptance) to union with the General Convention. Dioceses are both historically and ontologically prior to the Constitution and the General Convention. And upon admission, it is the diocese, not any other body or group, that is "entitled to representation" at General Convention.

This fundamental concept of dioceses as equal constituent members of The Episcopal Church is manifest in the mechanisms of governance created by the Constitution, including the provisions for representation and voting at General Convention, the means by which the Book of Common Prayer and Constitution are amended, and the procedures by which new dioceses are admitted to membership in The Episcopal Church after they are constituted.

Representation and Voting

All dioceses have equal representation. The largest dioceses, with over 80,000 communicants, have the same number of deputies as the smallest, with fewer than 2,000. This representation, in conjunction with the voting mechanism constitutionally required in the House of Deputies, gives the dioceses collective control over the General Convention.

The House of Deputies does not decide important matters by majority vote, but by a vote "by orders."[14] This is a vote in which the diocesan deputations vote by diocese separately by their clergy and lay deputies. Each diocese gets one vote in each order. This procedure of voting by diocese has been the hallmark of our Conventions from the outset and reflects the fact that the dioceses meet in such Conventions as equal members. The first Convention in 1785 that began the organizing process and produced the first draft Constitution made explicit in its very first resolution that the states were its constituent members: the resolution was that "each State have one vote."[15] The next year the Convention of 1786 passed a resolution asking "the several States" to "ratify" the constitution at the next convention.[16] When eventually adopted, the first Constitution called for "suffrages by states" in the General Convention.[17] In the Convention in

1789, at which the organization of The Episcopal Church was completed, the issue before the Convention was "proposed union with the Churches in the States of New Hampshire, Massachusetts, and Connecticut."[18]

All of this, of course, is simply a reflection of the provision already noted in Article I.4 that it is the *diocese,* not the individual communicant, that is represented in General Convention. Explaining General Convention's voting procedures, the Church's official commentary notes the provision in the first Constitution ("suffrages by states") and concludes "still today a vote by orders is also a vote by dioceses."[19]

Constitutional Amendments

The essential role of dioceses as the constituent members of The Episcopal Church is further reflected in the procedures for dealing with the most important decisions made by the General Convention, which are amendments to the Book of Common Prayer and Constitution. Both require the same basic procedure. For example, Article XII, the provision governing constitutional amendments, requires that an amendment be "proposed" at one General Convention, that the proposal then be "sent to the Secretary of the Convention of every Diocese, to be **made known to the Diocesan Convention** at its next meeting," and then that the amendment be "adopted" at a second General Convention by "affirmative vote in each order by a majority of **Dioceses entitled to representation**...." It could not be clearer that it is the dioceses that are entitled to representation.

Diocesan constitutional changes, in contrast, receive no prior review or approval from General Convention or other central bodies. As already noted, our first Constitution was ratified by the preexisting state (diocesan) churches. There was no review or approval at that time of the constitutions of the state churches. Under the current provisions, a new diocese joining The Episcopal Church ratifies our Constitution when it joins, typically by an accession clause in its own constitution. Apart from an initial review when a new diocese applies for membership in The Episcopal Church, there is no provision for prior review or approval of diocesan constitutional changes, canons or other actions. A diocese within The Episcopal Church, as opposed to one applying to join, has unconstrained authority in terms of its own constitution and canons. This is not merely an inference from silence, but an authority that is expressly granted. *See, e.g.,* Article II (diocese selects bishop "agreeably to rules prescribed by the Convention of that Diocese.")

Admission of New Dioceses

Leaving aside the simple historical fact that the General Convention had nothing whatsoever to do with the creation of the founding dioceses -- it was the dioceses that created the General Convention and not *vice versa* -- the General Convention does play a role in the admission of new dioceses. There is considerable misunderstanding about this process, so the procedure must be examined carefully. It should be noted at the outset that the relevant constitutional provision, Article V, is captioned "Admission of New Dioceses" not "Creation of New Dioceses." This reflects the language, already noted, in Article I that dioceses are "admitted" to union with General Convention. Those who continue to claim that dioceses are "created" by General Convention ignore the legal precision of Article V.

The first sentence of that Article specifies General Convention's role in this process. It is to give "consent." This wording indicates at the outset that the role of General Convention is secondary, not primary. It consents to actions initiated elsewhere. The subsequent sentences in Article V specify the process by which dioceses are admitted to The Episcopal Church. The proceedings "originate" with a convention of "the unorganized area," not with General Convention. It is the unorganized area that "duly adopts" its own constitution. Article V then describes the legal entity created by the duly adopted constitution not, as before, as an "unorganized area," but as a "diocese." Then the "new diocese" submits its constitution to the General Convention for consent; and upon receipt of this consent, it enters into "union with the General Convention."

In this articulation of the steps involved in the creation of a new diocese, Article V reflects the civil law. When an unorganized area adopts its own constitution, it is by definition no longer "unorganized." It is a legal entity. In the terminology of Article V, this entity is called a "new diocese." This step, furthermore, occurs before the constitutional involvement of General Convention. What happens when the "new diocese" obtains the consent of General Convention to its application is that it is "admitted" into union with the other dioceses in General Convention. The transformation from "unorganized area" to "new diocese" occurs when the diocesan constitution is duly adopted. When General Convention gives its consent, another change occurs, but it is not the creation of a "new diocese." It is the acceptance of an unaffiliated "new diocese" as a member diocese of General Convention.

The logic of this process can be grasped by a hypothetical case. Suppose an unorganized area holds its convention and duly adopts a constitution. Suppose further that before applying to The Episcopal Church for admission to General Convention it votes at its convention to apply not to The Episcopal Church but to another province of the Anglican Communion. By definition, the General Convention has yet to give consent and admit the new diocese. Nevertheless, the diocese is fully constituted by adopting its own constitution and so legally capable of acting on its own behalf. This can be seen by reading carefully the provisions of Article V and recognizing that this article reflects the operation of the civil law on the creation of religious societies and voluntary associations.

To summarize the conclusions of this section, the following are fundamental features of the governance and structure of The Episcopal Church:

- The state churches were independent legal entities prior to their organization of The Episcopal Church.
- New dioceses organized now are duly constituted entities with distinct legal personalities prior to admission to The Episcopal Church.
- Dioceses retain their distinct legal personalities as defined by their constitutions when they join The Episcopal Church.
- The constituent members of General Convention are its dioceses; it is the dioceses that are "represented" and vote as equals.
- The most important matters decided at General Convention, amendments to the Constitution and Book of Common Prayer are referred to the diocesan conventions for consideration prior to action by General Convention and the final vote is taken at General Convention by diocese.

III

Dioceses Are Not Subordinate to a Metropolitan or Central Hierarchy

We are now in a position to address the nature of authority in The Episcopal Church. Because this material is complex and some of the conclusions may seem surprising, we will proceed by looking first at the actual language used in the Constitution. We will then place that language in three contexts that help illuminate it: the historical circumstances in which the governance of The Episcopal Church was created; the principle of subsidiarity, which was invoked by our founders and has long been recognized as a key feature of Anglican polity; and the governing instruments of other churches that have the central hierarchical language and structures that our Church lacks. We will then conclude with a review of the factors demonstrating the lack of such structures and the autonomy of dioceses in The Episcopal Church.

The Language Used in the Constitution

As what we have said above indicates, The Episcopal Church is comprised of member dioceses that join together to create various central bodies and offices, including a General Convention, Executive Council and Presiding Bishop. What is not defined in our Constitution is any legal or hierarchical relationship among these various bodies. Indeed, a recent legal analysis of our Constitution and history has shown that the Constitution is devoid of the legal terminology used to express hierarchies in legal documents.[20] On the one hand, a General Convention is created and given legislative authority to enact general canons, but the preexistent diocesan conventions are also recognized as having legislative authority and there is no provision making the General Convention "supreme" or "highest" or providing that general canons supersede diocesan ones. Indeed, none of the following terms routinely used in legal documents to indicate hierarchical priority is found at all in our Constitution: "supreme"; "supremacy"; "highest"; "hierarchical"; "subordinate"; "sole"; "preempt"; "final"; and "contrary". Other terms used to indicate hierarchical relationships, including "exclusive", "subject to", "consent", "notwithstanding", and "inconsistent" are found in the Constitution, but they are not used to indicate a central hierarchy.[21] This is often assumed and is even alleged in civil cases instituted in the name of The Episcopal Church by the Presiding Bishop and her chancellor, but there are no provisions to this effect in our Constitution as a simple search with any search engine will demonstrate. The only instance that is even debatable is the use of the term "consent" in Article V governing the admission of new dioceses, but as we have already discussed that consent is to a process initiated and controlled by the diocese, whose own consent is thereby presumed.

This lack of hierarchical concepts in the Constitution confirms the traditional understanding of our structure that already has been quoted from the official commentary: The Episcopal Church is a federation (or confederation) of independent, or better, autonomous, dioceses. We will not revisit the work that has already been done on this topic, but we will now review three factors that reinforce this understanding of our polity.

The Historical Context in which The Episcopal Church Was Organized

Understanding our structures of governance requires familiarity with the historical context in which The Episcopal Church was organized. Two features of this context are paramount: first, The Episcopal Church was organized and its Constitution adopted just as the American states were changing their form of government from that of a "league of friendship" of sovereign and independent states under the Articles of Confederation to the hierarchically-structured federal form of government specified in the United States Constitution; and second, the fact that by virtue of the American Revolution the churches in the United States were necessarily forced to change the fundamental governance they had previously experienced as part of the Church of England, the Supreme Governor of which was the British monarch.

On the first point it is necessary to recognize that two of the most active participants in the General Conventions that organized The Episcopal Church and drafted its first Constitution were two men, James Duane and John Jay, noted to this day among legal scholars for their roles in developing the jurisprudence of hierarchy used in the United States Constitution. Duane was a signatory to the Articles of Confederation on behalf of New York and was the mayor and first federal judge in New York. Sitting as judge in 1784, Duane ruled in a well-known case still studied by legal scholars that the lack of a routine technical term indicating hierarchical priority substantially eviscerated a New York statute purporting to nullify part of the peace treaty ending the Revolutionary War.[22] Six weeks later Duane was a delegate to the first interstate convention that established the fundamental principles of what was to become the Constitution of The Episcopal Church.[23] The first of these principles was the very language, that "there be a general convention," that remains to this day the only specification of the authority of General Convention. Duane was again a delegate to the General Convention in 1785, one of only two from New York, and served on the committee that drafted the first Constitution.[24] That Constitution, the key language of which remains virtually unchanged in the current Constitution, contained no language giving hierarchical priority to the General Convention. Duane was also made a member of the executive committee selected to correspond with the churches in the United States and the Archbishop of Canterbury to obtain consecrations for American bishops.[25] He was once again a delegate to the 1786 Convention.[26]

John Jay was the United States Secretary for Foreign Affairs during the Confederation and was later the first Chief Justice of the United States Supreme Court. He is also known among legal scholars for his work in drafting the hierarchical legal language that resolved the treaty nullification controversy with Great Britain and that became the prototype for the Supremacy Clause in the United States Constitution, the primary provision establishing the hierarchy of the federal government in our federal system.[27] Right in the middle of his work on the treaty controversy, Jay was a delegate to the General Convention in June 1786.[28] It was this Convention that amended and then approved the Constitution drafted the year before containing no language giving hierarchical priority to the General Convention or any central body. Although Jay arrived late, after the Constitution had been approved, he had to have been aware of the terms of the Constitution since the draft was a primary item on the agenda. After his arrival, Jay took a leading role in drafting a key letter to the Archbishop of Canterbury from the Convention.[29] He did not attend the adjourned session of the Convention in October 1786,

undoubtedly because it occurred just as he was delivering his report to Congress with his proposed solution to the treaty crisis, including the resolutions containing the legal language that would later be incorporated into the Supremacy Clause of the United States Constitution. It is inconceivable that these two knowledgeable lawyers, known to this day for their role in developing our jurisprudence concerning legal hierarchies, would have inadvertently drafted a Constitution devoid of hierarchical language.

One distinctive feature of our Constitution is its use of an unusual technical term from international law, "acceding," to describe the act of dioceses' accepting the Constitution. It is the term used in international law to describe a sovereign state's becoming a party to a treaty already signed by others, a treaty being a compact among sovereign and independent states. "Acceding" was the term used in the Articles of Confederation, which established a "league of friendship" of states retaining their "sovereignty, freedom and independence." The term "acceding" is not used in the United States Constitution, which established a hierarchical central government. This use of treaty language could not have been accidental. James Duane was a signatory to the Articles of Confederation; John Jay, besides being the nation's Foreign Secretary and Chief Justice, negotiated the second treaty with Great Britain, known to this day as the "Jay Treaty." These men clearly knew what the term "acceding" signified.[30]

Indeed, there is conclusive proof that this omission of a central hierarchy was intentional, not inadvertent. The primary imperative driving the Anglican churches in America to break formally with the Church of England was the Oath of Supremacy that all prospective bishops and clergy were required to swear.[31] It was the paradigm of legal language recognizing a hierarchical body: allegiance was pledged to the British monarch as the "only supreme governor" of the church.[32] American clergy were both unwilling and unable to give this oath. One of the main tasks of the early General Conventions was to obtain the agreement of the Church of England bishops to consecrate American bishops without this oath. James Duane was on the committee that developed a plan to achieve this objective, and he was the one who presented it to the General Convention. He was one of six members on the committee designated to implement the plan, along with the first three prospective bishops, William White, Samuel Provoost and William Smith (Smith was never consecrated) and two other prominent lawyers, one a member of the Continental Congress and the other the mayor of Philadelphia.[33] Between October 1785 and October 1786, no fewer than six letters were exchanged between the General Convention and the English bishops on this topic.[34] Both Duane and Jay played major roles in drafting this correspondence.[35] The agreement reached was that the Oaths of Supremacy and Allegiance to the monarch and the Oath of Due Obedience to the Archbishop would be replaced for American bishops by the recital "I do solemnly engage to conform to the doctrine and worship of the Protestant Episcopal Church...."[36] Submission to a *hierarchy*, the monarch and the archbishop, was explicitly replaced not by submission to a different hierarchy, but by a pledge of *doctrinal* conformity. On this basis, after much negotiation as to what that doctrine really was, the British Parliament passed an act expressly exempting "for the time being" American bishops from these oaths. It surely is no coincidence that the Archbishop of Canterbury advised the General Convention of the new act of Parliament by letter dated July 4, 1786, precisely ten years after the Declaration of Independence.[37]

Thus, the two primary legal influences on the structure of The Episcopal Church, the English Act of Supremacy and the United States constitutional framework, were of preeminent interest

at precisely the time our Church was organized. None of the participants organizing our structures would have missed the significance of removing the hierarchy stipulated by English law. It was their primary objective. Nor could it have been accidental that just as the United States was creating a hierarchical federal government, with significant jurisprudential inspiration from the very people guiding the formation of The Episcopal Church, the young church elected not to include an explicit central hierarchy in its governance. And although our Constitution has been amended many times since its adoption, including several times since the major decisions of the Supreme Court on religious hierarchies in the 1970's, that original structure has never been changed.

The Principle of Subsidiarity

The principle of subsidiarity is crucial to understanding the relationship between dioceses and central bodies in The Episcopal Church and the effect of silence in our Constitution. It can be succinctly defined as follows: "Subsidiarity expresses a preference for governance at the most local level consistent with achieving government's stated purposes."[38] It is the principle behind the Tenth Amendment to the United States Constitution and is fundamental to European law and Roman Catholic social teaching. And it is described by both the Windsor and Virginia Reports as a key strand of Anglican governance. Subsidiarity may be a principle applicable to hierarchical structures, in which case it is usually the subordinate body in favor of which the presumption for local governance operates. But it is also applicable to non-hierarchical organizations as well as is shown by its importance in the Anglican Communion. The distinction drawn by subsidiarity, however, is between local and central, not between subordinate and supreme. The Windsor Report defines the principle as follows: "the principle that matters should be decided as close to the local level as possible."[39]

Of particular relevance to the formation of The Episcopal Church is the fact that subsidiarity was also emphasized by Bishop White in *The Case,* was later adopted as a "fundamental principle" by the nascent Pennsylvania church in 1784, and through the influence of Bishop White and the Pennsylvania church guided The Episcopal Church as a whole. This fundamental principle was expressed as follows: "That no powers be delegated to a general ecclesiastical government, except such as cannot conveniently be exercised by the clergy and laity in their respective congregations."[40] Especially important is the term "delegated." Powers are delegated by the local body to the central body, not vice-versa. This is an explicit statement that the reservoir of authority was to be in the local bodies, not the central one. Thus, such powers must be explicitly, not implicitly, delegated by the local body to the general body. In other words, this principle creates the presumption that silence indicates that the local body retains the power. To limit the authority of a local body, whether a parish or a diocese, an explicit prohibition must be stated.

Other Churches

We have seen that our Constitution does not create hierarchical central bodies or offices and that this was an intentional decision by our founders pursuant to the principle of subsidiarity they articulated at the very outset of our Church's organization. The difference between The Episcopal Church and the Church of England in this regard has already been noted, but equally instructive is a review of the governing instruments of other churches that do have such central hierarchies. Here one sees readily the language, structures and mechanisms of hierarchy that are

not found in our Constitution.

For example, the concepts of hierarchy, i.e., the operative legal terms indicating supremacy, subordination, preemption and finality, are clearly articulated in the code of canon law of the Roman Catholic Church. In the chapter entitled "The Hierarchical Constitution of the Church," Section I, "The Supreme Authority of the Church," Article 1, "The Roman Pontiff," are the following:

> Can. 331 The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. **By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.** Can. 333 §1. **By virtue of his office, the Roman Pontiff not only possesses power over the universal Church but also obtains the primacy of ordinary power over all particular churches and groups of them.** Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care.
>
> §2. In fulfilling the office of supreme pastor of the Church, the Roman Pontiff is always joined in communion with the other bishops and with the universal Church. He nevertheless has the right, according to the needs of the Church, to determine the manner, whether personal or collegial, of exercising this office.
>
> §3. **No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.**[41]

Dioceses are known as particular churches in Catholic canon law. Canon 373 specifies how they are created: "It is only for the supreme authority to erect particular churches; those legitimately erected possess juridic personality by the law itself."[42] Unlike the dioceses of The Episcopal Church, which are duly organized before admission to our Church, Roman Catholic dioceses are created by the pontiff and have no legal personality until after they are created.

Canon 377 specifies how bishops are chosen: "The Supreme Pontiff freely appoints bishops or confirms those legitimately elected."[43] Diocesan bishops possess ordinary power over their dioceses, subject to decrees of the supreme pontiff who has full ordinary power over all particular churches. The people of God in the dioceses are in sacramental communion with their diocesan bishop, who himself is in "hierarchical communion" with the "Supreme Pontiff."[44]

To take another example, the polity of the Serbian Orthodox Church is of paramount legal significance because it has been the subject of the most extensive analysis to date of religious hierarchies by the United States Supreme Court. Like the Roman Catholic Church, the Serbian Orthodox Church expresses its governance in unambiguous hierarchical language. Unlike the Catholic hierarchy, however, Serbian supremacy resides in a body not an individual. The highest legislative, judicial, ecclesiastical, and administrative authority of the Serbian Church is the Holy Assembly of Bishops, a body composed of all diocesan bishops presided over by its patriarch. An executive body, the Holy Synod of Bishops, consists of the Patriarch and four bishops selected by the Holy Assembly. The hierarchical structure is indicated by the following provisions of its constitution:

> The Holy Assembly of Bishops, as **the highest hierarchical body**, is legislative authority in the matters of faith, officiation, church order (discipline) and internal organization of the Church, as well as the **highest church juridical authority** within its jurisdiction.[45]
>
> All the decisions of the Holy Assembly of Bishops and of the Holy Synod of Bishops of canonical and church nature, in regard to faith, officiation, church order and internal organization of the church, are **valid and final**.[46]
>
> [The church's] main administrative division is composed of dioceses, both in regard to church hierarchical and church administrative aspect....Decisions of establishing, naming, liquidating, reorganizing, and the seat of the dioceses, and establishing or eliminating of position of vicar bishops, is decided upon by the [Holy Assembly], in agreement with the Patriarchal Council.[47]

These provisions in the Serbian Orthodox constitution led the Supreme Court to conclude that the Holy Assembly of Bishops was the central hierarchy in that church. It is clearly designated as "the highest hierarchical body," its decisions are "final," its dioceses are "administrative division[s]," and they and their bishops exist and serve at the pleasure of the Holy Assembly. In addition, as we discuss below, the bishops swear an "Episcopal-Hierarchical Oath" of "perpetual obedience" to the hierarchical body, the Holy Assembly.

Similarly, the constitution of the Evangelical Lutheran Church in America specifies a clearly identified hierarchy:

> The Churchwide Assembly shall be the **highest legislative authority of the churchwide organization** and shall deal with all matters which are necessary in pursuit of the purposes and functions of this church. The powers of the Churchwide Assembly are limited only by the provisions of the Articles of Incorporation, this constitution and bylaws, and the assembly's own resolutions.[48]

The Evangelical Lutheran Church's constitution also contains explicit provisions giving its constituent synods only such powers as are conferred by the general canons and bodies and requiring that synod enactments be consistent with decisions of the general body and that prior ratification by the general body of synod constitutional amendments be given before the amendments take effect.[49]

Likewise, the constitution of the Presbyterian Church USA indicates unequivocally the hierarchical relationship of its bodies:

> **The General Assembly is the highest governing body of this church** and is representative of the unity of the synods, presbyteries, sessions, and congregations of the Presbyterian Church (U.S.A.).[50]

The General Assembly is also given the explicit power "to provide authoritative interpretation of the *Book of Order* which shall be binding on the governing bodies of the church...."[51]

Finally, the governing instrument of the United Methodist Church gives its highest legislative body, its General Conference, the express authority to define the powers and duties both of its regional and local conferences and of its bishops. The United Methodist Church has a Judicial Council with the authority in specified instances to determine the constitutionality and legality of actions taken by the General Conference and lower conferences. It is the final arbiter of all

matters within its jurisdiction: "All decisions of the Judicial Council **shall be final.**"[52]

The Episcopal Church Lacks the Structures and Mechanisms of Central Hierarchical Control

What this survey of other church's governing instruments shows quite plainly is not only that our Constitution lacks the relevant hierarchical terminology seen at a glance in these other constitutions, but also that the general bodies in The Episcopal Church lack the mechanisms by which hierarchical authority is exercised.

- The Constitution lacks any language making General Convention the "supreme" or "highest" authority, making its decisions "final" or making dioceses "subordinate" to any other office or body.
- The Episcopal Church lacks any metropolitan or archbishop with authority over its diocesan bishops. To the contrary, the episcopal authority of the diocesan bishop and diocese is given explicit constitutional protection.
- Our episcopal vows contain no reference to a hierarchy, but only a pledge of conformity to the doctrine, discipline and worship of The Episcopal Church. This stands in marked contrast to churches with central hierarchies, including the Church of England, the Roman Catholic Church and the Serbian Orthodox Church, which have explicit "hierarchical oaths" by which allegiance is sworn to the hierarchical body.
- General bodies play no substantive role in the selection of bishops or in giving consents. Consents are given by dioceses. Even when occurring close to General Convention, consents are given by the diocesan bishop and delegations, not the House of Bishops or the House of Deputies collectively.
- Church discipline is handled almost exclusively at the diocesan level. Even in the case of bishops it is handled by ad hoc courts, not by the general bodies.
- Dioceses are not created, extinguished or combined by General Convention as administrative districts of a hierarchically-controlled general church. The creation of a diocese "originates" in the diocese, which after being duly constituted is "admitted" to union with General Convention.
- The general bodies of The Episcopal Church have no right of prior review or authority to approve the actions of diocesan conventions, including in particular changes to the dioceses' governing instruments. The lack of a right of prior review and approval clearly establishes General Convention's lack of hierarchical authority. One fundamental characteristic shared by hierarchical churches is the prior review and approval by the hierarchy of the subordinate body's actions. This is a key mechanism of hierarchical control.

The autonomy of our dioceses has long been recognized as an essential feature of the polity of our Church. For example, in the volume on the polity of The Episcopal Church included in the widely-distributed series in the 1950s and 1960s entitled "The Church's Teaching," written by the long-time professor of church history at the General Theological Seminary with the assistance of an "Authors' Committee" composed of professors, leading rectors and a bishop of the Church, the author, Dr. Powel Dawley summarized the role of the diocese as follows:

> Diocesan participation in any national program or effort, for example, must be voluntarily given; it cannot be forced. Again, while the bishop's exercise of independent power within the diocese is restricted by the share in church government possessed by the Diocesan Convention or the Standing Committee, his independence in respect to the rest of the Church is almost complete.[53]

This autonomy was again confirmed as recently as February 2009 by the ecclesiastical court deposing Charles Bennison as Bishop of Pennsylvania. In the Bennison case, the Diocese of Los Angeles refused to cooperate with the court and to produce documents that had been requested not only by the parties, but also by a representative of the Presiding Bishop and even the court itself. The court concluded that it had no authority to compel the diocese to comply: "Unfortunately, the diocese refused all of those requests and the Court had no ability to obtain those documents.... Rather, the Diocese of Los Angeles, a wholly autonomous entity which is not a party to these proceedings, chose not to produce the documents notwithstanding entreaties from the Court."[54]

We agree with the conclusion of the court in the Bennison decision that dioceses are autonomous under our Constitution and are not subject to hierarchical control by central bodies, whether they be the Presiding Bishop, the General Convention, the Executive Council or the courts of The Episcopal Church. Our dioceses work together as a matter of comity in fellowship and communion, but legally we remain autonomous bodies with distinct legal personalities.

IV

The Nature of Our Vows

The charge is frequently made that those who reject the understanding of our polity now being asserted by the Presiding Bishop, most recently in a civil lawsuit in Pittsburgh, have violated their ordination vows to uphold the doctrine and discipline of The Episcopal Church. We regard these sacred vows as inviolable and therefore take this allegation with the utmost seriousness. We begin by emphasizing the full extent of the vows, not often noted, that we made at our episcopal consecrations:

> In the Name of the Father, and of the Son, and of the Holy Spirit, I, N.N., chosen Bishop of the Church in N., solemnly declare that I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the doctrine, discipline, and worship of The Episcopal Church.[55]

We reaffirm these vows without reservation.

The engagement we made and reaffirm is to conform to the "doctrine, discipline and worship" of The Episcopal Church. The objection that those who do not accept the interpretation of that "discipline" (polity) proposed by the Presiding Bishop are in violation of their episcopal vows is mere question begging. The objectors assume without argument that the discipline of our Church is such that anyone with a different understanding is in violation of that discipline. But

this is to assert what must be proved. What the discipline of The Episcopal Church requires is precisely the question at issue. It is the Presiding Bishop's interpretation that is novel and it is not less so for being advocated in civil court.

In this context, we must again emphasize that our vows contain no pledge of obedience to a metropolitan or central hierarchy as is explicit in the episcopal oaths taken in churches that have such hierarchies. For example, Serbian Orthodox bishops swear an "Episcopal-Hierarchical Oath" that they will "always be obedient to the Most Holy Assembly," the very body identified in that church's constitution as "the highest hierarchical body."[56] Similarly, Roman Catholic bishops are required to answer in the affirmative the following questions:

> Are you resolved to build up the Church as the body of Christ and to remain united to it within the order of bishops under the authority of the successor of the apostle Peter?
> Are you resolved to be faithful in your obedience to the successor of the apostle Peter?[57]

A Bishop in the Church of England is required by canon law not only to swear an oath of allegiance to the monarch as already noted, but also to take "the oath of due obedience to the archbishop and to the metropolitical Church of the province wherein he is to exercise the episcopal office."[58] This oath is as follows:

> In the Name of God, Amen. I, *N.*, chosen Bishop of the Church and See of *N.* do profess and promise all due reverence and obedience to the Archbishop and to the Metropolitical Church of *N.* and to their Successors : So help me God, through Jesus Christ.[59]

Indeed, our consecration vows in The Episcopal Church, often called the "Declaration of Conformity," resemble only the third part of the Church of England consecration vows, the Declaration of Assent:

> Archbishop: In the declaration you are about to make, will you affirm your loyalty to this inheritance of faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to those in your care?
>
> Ordinand: I, AB, do so affirm, and accordingly declare my belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies of the Church of England bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by Canon.[60]

This Declaration by itself, absent the hierarchical oaths to the sovereign and metropolitical authorities, resembles that of the profession traditionally made by a bishop upon his election to the See of Rome:

> I will firmly believe and hold the catholic faith, according to the tradition of the apostles, of general councils and of other holy fathers, especially of the eight holy universal councils ... as well as of the general councils..., and to preserve intact this faith unchanged to the last dot, and to defend and preach it to the point of death and the shedding of my blood, and likewise to follow and observe in every way the rite handed down of the ecclesiastical sacraments of the church.[61]

No longer subject to another hierarchical authority the newly-elected pope declares only his doctrinal assent and conformity.

We also have been given our apostolic office in trust. When the American churches requested that the Church of England bestow the Historic Episcopate on our developing church, nineteen Bishops of the Church of England stated in reply that

> we cannot but be extremely cautious, lest we should be the instruments of establishing an Ecclesiastical system which will be called a branch of the Church of England, but afterwards may possibly appear to have departed from it essentially, either in doctrine or in discipline.[62]

Indeed, we received the Episcopate only after a special enactment of the British Parliament exempted our Bishops from "the oaths of allegiance and supremacy, and the oath of due obedience to the Archbishop for the time being," accepting our vows of conformity in substitution, and after our state churches passed an "Act of General Convention" "declaring their steadfast resolution to maintain the same essential Articles of Faith and discipline with the Church of England."[63]

Our episcopal vows contain no pledge of obedience to a higher office or body, as do churches with metropolitical hierarchies, but we do hold our apostolic office in trust. We understand our vow to require conformity to the doctrine and worship we hold in trust and to the discipline of The Episcopal Church as set forth in this statement. We intend to remain faithful to that sacred undertaking.

V

Maintaining Constituent Membership in the Anglican Communion Is Our Constitutional Right

Not only is the diocese the fundamental unit of The Episcopal Church, it is also the fundamental unit in catholic ecclesiology by which the people of God in the particular or local churches relate to the wider communion. In a 2007 communication sent by the Archbishop of Canterbury to Bishop Howe, the Archbishop emphasized this point:

> The organ of union with the wider Church is the Bishop and the Diocese rather than the Provincial structure as such.... I should feel a great deal happier, I must say, if those who are most eloquent for a traditionalist view in the United States showed a fuller understanding of the need to regard the Bishop and the Diocese as the primary locus of ecclesial identity rather than the abstract reality of the 'national church'.[64]

We are committed to remaining faithful members of The Episcopal Church and the Anglican Communion. We have noted with increasing concern statements by leaders and bodies of The Episcopal Church questioning our participation in the proposed Anglican covenant and opining that dioceses may not sign the covenant if The Episcopal Church as a whole were to refrain from doing so on behalf of all its dioceses.

The preamble to our Constitution identifies continuing constituent membership in the Anglican

Communion as one of the fundamental conditions on which our governing agreement is based. The failure to maintain that membership would plunge The Episcopal Church into a constitutional crisis. It is an elementary principle of law that agreements can be terminated in the event of material breach or repudiation by another party or by fundamental changes of circumstances. The application of this principle depends in part on the intentions of the parties to the agreement. It is, among other things, to the preambles of agreements that courts may look to discern what the parties themselves considered material or fundamental.[65] In this regard, it is significant that the preamble to our Constitution makes only two points: (1) that The Episcopal Church is a "constituent member of the Anglican Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury"; and (2) that the constitution "sets forth the basic articles of government of this Church."

Given that representatives of over half the active membership in the Anglican Communion have declared that they no longer recognize The Episcopal Church, the circumstances specified in the preamble already have fundamentally changed in that our Church no longer remains in fellowship with a significant number of the "dioceses, provinces and regional churches" identified in our own Constitution.[66] Failure to sign the proposed covenant would be decisive in this respect. And were The Episcopal Church to attempt to change its constitutional governance to restrict diocesan autonomy, particularly in the case of an Anglican covenant, it would constitute a material breach or repudiation of its "basic" governing agreement.

We must speak plainly here. Any attempt to prevent willing dioceses from signing the covenant would be unconstitutional and thereby void.

VI

Conclusion

We have found it necessary to address these issues as a matter of faithfulness to our apostolic vocation and our Constitution. The traditional doctrine and worship and the historic polity of the Church are in grave peril. For this reason, we emphasize that The Episcopal Church consists of autonomous, but interdependent, dioceses not subject to any metropolitical power or hierarchical control. The Ecclesiastical Authorities in our dioceses are the Bishops and Standing Committees; no one else may act in or speak on behalf of the dioceses or of The Episcopal Church within the dioceses. We intend to exercise our episcopal authority to remain constituent members of the Anglican Communion and will continue to speak out on these issues as necessary.

April 18, 2009

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[2] 1930 Lambeth Resolution 49, http://www.lambethconference.org/resolutions/1930/1930-49.cfm (accessed on Mar. 16, 2009).
[3] The Gift of Authority (Authority in the Church III), para. 36, Anglican Roman Catholic International Commission, Sept 3, 1998, http://www.prounione.urbe.it/dia-int/arcic/doc/e_arcicII_05.html (accessed on Mar. 16, 2009).
[4] Roman Catholic Church, *Codex Iuris Canonici* (1983), can. 331; can. 369, unofficial English translation, IntraText Digital Library, www.intratext.com/X/ENG0017.HTM ,1990s (accessed on Mar.16, 2009).
[5] The Canons of the Church of England (2008), C 18, http://www.cofe.anglican.org/about/churchlawlegis/canons (accessed on Mar. 16, 2009).
[6] M. Santer, "Communion, Unity and Primacy: An Anglican Response to *Ut Unum Sint*", *Ecclesiology*, 3 (2007), p. 286, quoted in C. Podmore, "The Governance of the Church of England and the Anglican Communion," Jan. 7, 2009, http://www.cofe.anglican.org/about/churchlawlegis/canons (accessed on Mar. 16, 2009). Dr. Podmore notes "The diocesan bishop's powers are inherent in his office; they are not delegated by or exercised on behalf of the diocesan synod." (Para. 2.10.)
[7] Richard Hooker, *Laws of Ecclesiastical Polity*, Bk. VII, chap. v.3.
[8] Article IV.
[9] Article II.3.
[10] Article I.3.
[11] W. White, *The Case of the Episcopal Churches in the United States Considered* (1782), *reprinted in* Charles Evans, et al., eds., *Early American Imprints, Series I* (1639-1800).
[12] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed., vol. I, p. 100, Claremont Mfg. Co., 1874.
[13] Edwin A. White and Jackson Dykman, *Annotated Constitution and Canons*, vol. I, pp. 12, 29, Church Publishing, 1981.
[14] Article I.5.
[15] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed., vol. I, p. 17, Claremont Mfg. Co., 1874.
[16] Id., p. 42.
[17] Id. p. 83.
[18] Id., p. 94.
[19] Edwin A. White and Jackson Dykman, *Annotated Constitution and Canons*, vol. I, p. 12, Church Publishing, 1981.
[20] M. McCall, "Is The Episcopal Church Hierarchical?", The Anglican Communion Institute, Inc., September 2008, http://anglicancommunioninstitute.com/wp-content/uploads/2008/09/is_the_episcopal_church_hierdoc.pdf .
[21] Id., pp. 10-11.
[22] Id., pp. 8-13.
[23] *Journal of the Meetings Which Led to the Institution of a Convention of the Protestant Episcopal Church in the State of Pennsylvania Together with the Journals of the First Six Conventions of the Said Church*, p. 8, *reprinted in* Charles Evans, et al., eds., *Early American Imprints, Series I* (1639-1800).
[24] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed., vol. I, pp. 15, 18 Claremont Mfg. Co., 1874.
[25] Id., pp. 25, 57.
[26] Id., p. 49.
[27] M. McCall, "Is The Episcopal Church Hierarchical?", pp. 9-12, The Anglican Communion Institute, Inc., September 2008.
[28] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed., vol. I, p. 33, Claremont Mfg. Co., 1874.
[29] Id., p. 43.
[30] M. McCall, "Is The Episcopal Church Hierarchical?", pp. 20-21, The Anglican Communion Institute, Inc., September 2008.
[31] W. White, *The Case of the Episcopal Churches in the United States Considered* (1782), pp.6-7, *reprinted in* Charles Evans, et al., eds., *Early American Imprints, Series I* (1639-1800).

[32] 1558 Act of Supremacy (1559), c.1, 1 Eliz 1, *reprinted in* Henry Gee and Wm. John Hardy, eds., *Documents Illustrative of English Church History*, pp. 442-58, Macmillan, 1896.
[33] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed,. vol. I, pp. 23-25, Claremont Mfg. Co., 1874.
[34] Id., pp. 14-62.
[35] For the role of Jay, see P. Marshall, *One Catholic and Apostolic: Samuel Seabury and the Early Episcopal Church*, pp. 237-38, Church Publishing, 2004.
[36] *Journals of General Conventions of the Protestant Episcopal Church in the United States, 1785-1835*, William Stevens Perry, ed., vol. I, pp. 23,53, Claremont Mfg. Co., 1874.
[37] Id., pp. 55-56.
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[45] *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 716 (1976).
[46] Id., p. 716-17.
[47] Id., p. 699.
[48] *Constitutions, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*, chap. 12.11, p. 88, 2008.
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[50] *The Constitution of the Presbyterian Church (USA): Part II Book of Order*, G-13.0101.
[51] Id., G-13.0103.
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[65] M. McCall, "Is The Episcopal Church Hierarchical?", pp. 21-22, The Anglican Communion Institute, Inc. (September 2008).

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DSC 77 - Letter of October 2, 2012

PLAINTIFF'S EXHIBIT 77
PENGAD 800-631-6989

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October 2, 2012

The Very Rev. Paul Fuener
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Prince George Winyah
301 Screven Street
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INTERPRETATION OF THE CONSTITUTION AND CANONS BY THE ECCLESIASTICAL AUTHORITY OF THE DIOCESE

Dear Paul:

By letter dated July 16, 2011, subsequently copied to the Diocese, the Secretary to the Executive Council of The Episcopal Church expressed certain opinions concerning provisions of the Diocese's Constitution and Canons.

By letter dated September 28, 2011, I rejected these opinions on behalf of the Diocese together with the President of the Standing Committee .

On September 20, 2012, the Standing Committee of the Diocese requested an Interpretation, pursuant to my constitutional and canonical authority as Ecclesiastical Authority of the Diocese, concerning this dispute. The request of the Standing Committee raised the following questions:

(i) *What are the meaning and function of Article I of the Diocese's Constitution, particularly the language that the Diocese "accedes to the Constitution" of The Episcopal Church?*

(ii) *Can the Diocese withdraw the accession referred to in Article I and/or its membership as a constituent member diocese of The Episcopal Church?*

(iii) *What are the procedures by which the accession and membership can be withdrawn, including whether such decisions can take effect without amending Article I and what diocesan bodies or offices are authorized to make such decisions?*

(iv) *Does the letter dated June 16, 2011 from the Secretary of the Executive Council of the Episcopal Church, subsequently copied to the Diocese, have any effect on the interpretation of the Diocese's Constitution and Canons?*

As Ecclesiastical Authority of the Diocese, I provide final and binding answers to these questions in this Interpretation pursuant to the following sources of authority: Article IX and Canon XXXVII of the Constitution and Canons of the Diocese and Articles II and IV of the Constitution of The Episcopal Church. This Interpretation will address these questions as follows: Section I will review the text of Article I of the Constitution; Section II will review the legislative history of this Article and relevant provisions in the Constitution of The Episcopal Church; Section III will consider historical precedents in which the Diocese has addressed the issues raised in these questions; and Section IV will then answer each of these questions based on this analysis.

Section I:
The Text of Article I

The starting point for answering these questions is the plain meaning of the text of the Constitution, particularly the first sentence of Article I:

> "The Church in the Diocese of South Carolina accedes to the Constitution of the Protestant Episcopal Church in the United States of America. In the event that any provision of the Constitution of the General Convention of the Protestant Episcopal Church in the United States of America is inconsistent with, or contradictory to, the Constitution and Canons of the Protestant Episcopal Diocese of South Carolina, the Constitution and Canons of this Diocese shall prevail."

The text of the first sentence of Article I is different in important respects from the other articles in the Constitution, including the remainder of Article I. The first sentence, commonly called "the accession clause," uses an indicative form of the verb "accede" rather than the mandatory or permissive verbs ("shall" or "may") characteristic of legislative language. In this respect the accession clause in Article I is different from all other articles in the Constitution that use standard legislative language consisting of either the mandatory "shall" or the permissive "may," including the second sentence of Article I itself.

This suggests that the purpose of the accession clause in Article I is different from that of the other constitutional provisions that either impose mandatory requirements on or limit the discretion of diocesan authorities. Indicative language is characteristic of contractual or constitutional recitals that do not impose requirements but merely record facts that serve as the basis for operative language imposing duties or establishing rights.

On its face, therefore, the plain meaning of the text of the accession clause in Article I does not impose any mandatory requirement that the Diocese "shall accede" to the Constitution of The Episcopal Church. It is descriptive, not prescriptive.

In contrast, the second sentence of Article I uses standard prescriptive language and imposes a mandatory standard for interpreting the Diocese's Constitution and Canons. By its plain meaning, diocesan Constitution and Canons "prevail" over any inconsistent provision in the general Constitution. This sentence functions as a supremacy clause making diocesan law legally supreme over provisions of the Constitution of the Episcopal Church.

Section II:
Legislative History

1. Antecedents to Article I

In 1789 authorized representatives of the Diocese subscribed to and adopted the first Constitution of The Episcopal Church on behalf of the Diocese. (JGC, 42, 69, 85, 101-102.) The Diocese subsequently ratified this action by its representatives at the Diocesan Convention in 1790. (DSC 1790 J (Dalcho) 478.)

The fact that the Diocese had adopted, or acceded to, the Episcopal Church Constitution was not referenced in the Diocese's Constitution, however, until 1841, over fifty years later. Article I of the 1841 Constitution, a comprehensive revision of the Diocese's earlier Constitution, referenced the Diocese's accession for the first time in language similar to the current language:

> "The Protestant Episcopal Church in South Carolina accedes to, recognizes and adopts the general Constitution and Canons of the Protestant Episcopal Church in the United States of America, and acknowledges their authority accordingly." (1841 J 49.)

As is true of the Diocese's current Constitution, the first article in the 1841 Constitution was unique in its use of indicative, descriptive language. Every other article in the 1841 Constitution used the prescriptive "shall." Moreover, like the current Constitution but unlike its predecessors, the 1841 Constitution had no preamble containing relevant recitals.

Prior to 1841 there was no explicit reference in the Diocese's Constitution to the action taken in 1789. The first revision to the Diocese's Constitution after1789 was in 1806. While it omitted any reference to accession, the 1806 Constitution did include the following recital in its preamble:

> "Whereas, by General Conventions of the Pro. Epis. Churches in the U. S. A. a constitution and canons have been formed for the government and discipline of the same..." (1806 J (Dalcho) 495.)

The 1806 Constitution also included a provision that:

> "No article, canon, rule or other regulation, of any general or state convention, shall be obligatory on any Epis. Church within this state, where the same shall be found to infringe on any of its chartered rights." (1806 J (Dalcho) 497.)

The Constitution in effect prior to 1806 had been adopted by "the Protestant Episcopal Church in South Carolina" in 1786 before it acceded to the first general Constitution in 1789 at the founding of "the Protestant Episcopal Church in the United States of America." Although the 1786 Constitution made no reference to any possible accession, at that point still three years in the future, it did contemplate the formation of "a General Ecclesiastical Government." Indeed, the South Carolina Conventions that adopted the 1786 Constitution also reviewed the first draft of a proposed general constitution, finding some provisions acceptable but objecting to others. The South Carolina Church was fully familiar with the proposed plan for a national church, having had two representatives serve on the committee that prepared the first draft of a general constitution. (JGC 18.) It is significant, therefore, that Article IV of the 1786 Constitution included a specific reservation of power to the South Carolina Church:

> "That no power be delegated to a General Ecclesiastical Government, except such, as cannot be exercised by the Clergy and Vestries, in their respective Congregations." (1786 J (Dalcho) 467-74.)

This constitutional reservation was in effect when the original accession to the general Constitution was made in 1789.

From 1841 until 2011 Article I was not materially changed (with the exception of the hiatus during the Civil War discussed below). In 2011 Article I was changed to its current language by deleting both the reference to the general canons and the second clause of the prior provision ("acknowledges their authority accordingly") and by adding the second sentence giving legal priority to the Diocese's Constitution and Canons in case of conflict.

As this review of the constitutional antecedents indicates, the degree to which the Diocese has accepted the general canons of The Episcopal Church has varied over the years. The Diocese had explicit constitutional reservations of power in the early nineteenth century. The reservation of diocesan authority was most apparent in the 1786 and 1806 Constitutions and again in 1807 when the Diocese gave careful attention to whether it had adopted the general Constitution and Canons. The conclusion reached concerning the Constitution will be reviewed below, but the Diocesan Convention in 1807 refused to adopt general canons passed after 1789 because they were in part "obnoxious to several of the Churches in this state." (1807 J (Dalcho) 501.)

In 2010 the Diocese again declined to accept canons enacted by the General Convention, in large part due to the conclusion that the new disciplinary canon violated the church's Constitution. At

the General Convention held earlier this year the Diocese's concerns were reinforced when the General Convention passed resolutions calling for a review of the "Constitutionality of Certain Provisions of Title IV," due to "their possible conflict with the Constitution of the Episcopal Church." (2012 Resolutions C049 and C116.)

This review of the Diocese's constitutional history discloses the following facts: (i) the Diocese existed prior to the formation of The Episcopal Church; (ii) its authorized representatives participated in the establishment of the general church; (iii) pursuant to the general Constitution the Diocese delegated only such authority as it saw fit to delegate to the general church, not *vice versa*, and continued to reserve authority to itself; (iv) its adoption of the general Constitution occurred over fifty years before that fact was subsequently reflected in the Diocese's Constitution; and (v) the degree to which the Diocese has accepted general canons has varied during the years of its membership in The Episcopal Church.

2. Derivation of "Accede"

The direct source of the term "accede" in Article I of the Diocese's Constitution is the general Constitution of The Episcopal Church, in which that term or one of its cognates has been used since the initial draft of that Constitution in 1785 for Dioceses not then admitted to the convention. The indirect sources of the term "accede" were the first constitution of the United States, the Articles of Confederation, on which the Episcopal Church Constitution was modeled, and ultimately international law, in which "accede" has a technical meaning that was borrowed for use in these other constitutions.

In international law the term "accede" is a specialized term used to describe the act of a sovereign state becoming a party to a treaty already signed by others. *Avero Belgium Ins. v. American Airlines, Inc.*, 423 F.3d 73, 79, n. 7 (2nd Cir. 2005). A treaty is a compact among sovereign and independent states whose relationships are characterized by comity. "Acceding" was the term used in the Articles of Confederation, which established a "league of friendship" of states retaining their "sovereignty, freedom and independence." That term is not used in the United States Constitution, which later established a hierarchical central government given legal supremacy over the states. The use in the Episcopal Church Constitution of treaty language borrowed from the Articles of Confederation was not accidental. One of those serving on the committee that prepared the first draft of the Episcopal Church Constitution was a signatory to the Articles of Confederation.

In the early years of the Diocese's membership in The Episcopal Church it used a variety of terms to describe its original acceptance of the general Constitution, including "subscribed," "adopted" and "agreed to." Consistent with this practice, the 1841 Constitution of the Diocese used the expression "accedes to, recognizes and adopts" to describe this action by the Diocese. Regardless of the terminology used, however, one feature of accession is invariable in the context of The Episcopal Church: accession is to a document, initially limited to the Constitution

but later extended to include the general canons as well. In no case, however, was there accession to an organization or entity. This distinction will be discussed further below.

One final historical precedent illuminating the meaning of "accedes" in our context is the resolution of The Episcopal Church in 1969 by which it "acceded and subscribed to the Proposed Constitution of the said Anglican Consultative Council." (1969 JGC 159-60.) Two years earlier The Episcopal Church had added to the Preamble of its Constitution the recital that it "is a constituent member of the Anglican Communion." All agree that the Anglican Communion is a fellowship of autonomous member churches, that it lacks a central hierarchical authority with legal supremacy over its constituent members, and that accession to the constitution of the Anglican Consultative Council is not irrevocable.

3. Important Distinctions: the Accession Clause in the Diocese's Constitution; the Accession to which This Clause Refers; Membership in the Legal Entity Comprising The Episcopal Church;

The immediate subject of this Interpretation is an article in the Diocese's Constitution and in particular one clause in that article, the accession clause. In order to interpret this clause correctly and answer the questions posed by the Standing Committee it is necessary to distinguish three related but separate concepts: the constitutional clause itself; the accession to which it refers; and membership in the legal entity comprising The Episcopal Church for which accession is a prerequisite.

When properly understood, the process by which a new diocese becomes a member of the association, the legal entity comprising The Episcopal Church, is a two-step process. There is also an optional third step. The first step is for the new diocese, already a duly constituted legal entity, to accede to or adopt the general Constitution (later extended to include the Constitution and Canons). The second step is for the diocese to request and be accepted for membership in the legal entity. Under the general Constitution the first step is a prerequisite for the second, a necessary but not sufficient condition for membership. Under the current Constitution the process "originates" in "unorganized territory" by "duly" constituting a new legal entity, a "new diocese." This new entity then makes an accession and subsequently applies for membership in The Episcopal Church by filing its Constitution and accession with agents of the church. "After consent" of the General Convention the new diocese "thereupon" becomes a member of the unincorporated association comprising The Episcopal Church. The current provision spells out in greater detail the same process described more succinctly in the first Constitution: "A Protestant Episcopal Church in any of the United States not now represented, may, at any time hereafter, be admitted, on acceding to this Constitution." (JGC 84, 100.) Albeit succinctly, two steps were defined: accession and then admission.

For the founding dioceses, including South Carolina, these two steps occurred almost simultaneously by virtue of the fact that there was no association to join until they had created it by adopting the Constitution. But the logical distinction was still noted in the journal of the

General Convention by the language that "after subscribing" the representatives "took their seats as members of the Convention." (JGC 97.) For dioceses joining later, however, substantial time could elapse between these two steps. For example, in 1835 the "Church of Illinois," already duly constituted under its own bishop, was admitted to membership in August after having acceded to the general Constitution in March. (2 JGC 572; 1835 Ill. J 13.)

The optional third step is including a reference to the accession in the diocesan constitution. For South Carolina and other founding dioceses this step occurred long after the original accession was made. Even today, some dioceses have never added a reference to accession to their diocesan constitutions. There is no uniformity either in wording or practice on this point, which reflects the different legal personalities of the various dioceses.

These distinctions will be important in answering the questions that are the subject of this Interpretation. It is clear from these facts that: (i) a constitutional accession clause may not constitute an accession, but merely refer to one previously made (South Carolina, 1841); (ii) the underlying accession to which a constitutional clause refers does not itself constitute membership in the legal entity (Illinois, 1835); and therefore (iii) a constitutional accession clause does not constitute or even refer *directly* to membership in the legal entity, but only to a prerequisite to that membership.

4. Relevant Provisions of the Constitution of The Episcopal Church

As already noted, the accession clause in Article I of the Diocese's Constitution refers to an accession to a document, the Episcopal Church Constitution. Although not constitutive of membership in the legal entity comprising The Episcopal Church, accepting the provisions in the Constitution is a prerequisite for such membership. These provisions together with general principles of association law, the law applicable to the legal entity comprising The Episcopal Church, inform the Interpretation of Article I of the Diocese's Constitution.

The key features of the general Constitution relevant to accession are the following. First, the general Constitution establishes no central hierarchical body given legal supremacy over the constituent member dioceses. Although adopted after the United States Constitution had been ratified, the Episcopal Church Constitution omitted a supremacy clause or any other provision expressing in clear legal language that any central body had hierarchical priority over the dioceses.

Second, there is no provision prohibiting a member diocese from either withdrawing from the legal entity or rescinding its accession to the Constitution, which as we have seen are distinct steps.

Third, there is no provision requiring member dioceses to submit diocesan constitutional and canonical changes to a central body or office for prior review and approval nor is there any

procedure for review and disapproval after enactment. Proposed amendments to the general Constitution, in contrast, must be formally transmitted to the dioceses for consideration prior to their adoption by a majority of dioceses at the next General Convention. Dioceses thus have unfettered and unreviewable freedom to make changes to their Constitutions and Canons.

I will return to these principles when answering the specific question presented, but there are significant diocesan precedents concerning accession directly on point that must be reviewed before addressing these questions.

Section III:
Precedents

Throughout its history the Diocese has associated itself with other dioceses on three occasions by adopting or acceding to the constitutions or canons of other associations. On another three occasions it has withdrawn its accession in whole or in part. These precedents show a consistent interpretation over two centuries of the meaning of the accession clause in Article I and the process by which the Diocese accedes or withdraws accession and membership in other associations.

1. 1789: Original Accession to the Constitution of The Episcopal Church

As noted above, authorized representatives of the Diocese subscribed to and adopted the first constitution of The Episcopal Church on behalf of the Diocese in 1789. The Diocese subsequently ratified the action of its representatives at the Diocesan Convention in 1790.

The Diocese has always understood itself to be one of the founding dioceses of the association comprising The Episcopal Church. Indeed, one of the Diocese's authorized delegates to the 1789 General Convention, later to become the first Bishop of the Diocese, chaired the committee of the whole at the 1789 General Convention that arranged the final negotiations among the various state churches that resulted in the formation of The Episcopal Church. (JGC 94.)

At the Diocesan Convention in 1807 the question was raised whether the constitution of The Episcopal Church in fact had been "adopted by the Protestant Episcopal Church in the state of South Carolina." After consulting the journals of prior conventions, the 1807 Diocesan Convention concluded that the delegates to the 1789 General Convention had been "duly elected," that they had "subscribed" the general constitution "on the behalf of" the Diocese, and that the Diocesan Convention in 1790 had unanimously commended the delegates and "agreed to" the general constitution. The 1807 Diocesan Convention then unanimously determined that the general constitution had been adopted by the Diocese. (1807 J (Dalcho) 499-501.)

As noted above, in 1807 and at all times prior to that date the Diocese's Constitution contained no provision reflecting an accession to the general Constitution. It was not until 1841 that a reference to the accession was added to the diocesan Constitution as part of a comprehensive

revision of the Constitution. It is clear from the facts already recited that this initial constitutional reference to accession was intended not to establish the Diocese's accession to the general Constitution but instead to reflect an accession that had been made over fifty years earlier.

2. 1861-62: Withdrawal of Accession to The Episcopal Church and Accession to the Constitution of the Church in the Confederate States

In 1861 Bishop Thomas Davis addressed the effect that the secession of the state of South Carolina from the United States had on the Diocese. In particular he considered the question "have we parted or are we not still in constitutional union with" The Episcopal Church. At the outset of the Diocesan Convention in 1861 Bishop Davis advised the Convention of his conclusion that "We are, therefore, a free and independent diocese." (1861 J 19-20.) In response to this determination by the Bishop, the Diocesan Convention passed several implementing resolutions, including the following:

> Resolved, That this Convention concur entirely and earnestly with the Bishop in the views expressed in his address to this Convention.
>
> Resolved, That a Committee of three be appointed to prepare after the adjournment of this Convention such alterations in our Constitutions and Canons, as are, or may be, required by our changes of civil and ecclesiastical relations, and to report to our next Convention.
>
> Resolved, That forthwith and meanwhile all such parts of our present Constitution and Canons, as are inconsistent with the present position of our Church, are hereby declared to be null and void.

The basis for these resolutions as noted in their preamble was the fact already determined by the Bishop that the Diocese "resumes now its delegated rights and its separate existence, and is competent to enter into new ecclesiastical connections." (1861 J 24-26.) This fact previously announced by the Bishop was the basis for, not the product of, the Convention's resolutions.

In 1862 the Diocesan Convention passed another resolution by which it agreed to the constitution of the Church in the Confederate States and elected delegates who attended the council of the Confederate Church later that year on behalf of the Diocese. (1862 J 37.) In September 1862 the Presiding Bishop of the Confederate Church issued a "declaration" that "satisfactory evidence" had been provided that the Diocesan Conventions of South Carolina and other dioceses had adopted the constitution of the Confederate Church. (1862 JCSA 8-9.)

At the time of the withdrawal from The Episcopal Church in 1861 and the accession to the constitution of the Confederate Church in 1862 Article I of the Constitution of the Diocese was unchanged from that first adopted in 1841: "The Protestant Episcopal Church in South-Carolina accedes to, recognizes and adopts the general Constitution and Canons of [The Episcopal

Church] ...." (1861 J 59; 1862 J 66.) Pursuant to the resolution passed in 1861 requiring conforming changes to the provisions of the Constitution that already had been declared "null and void" new constitutional language was adopted in 1863 after two readings to reflect the withdrawal from The Episcopal Church in 1861 and the accession to the constitution of the Confederate Church in 1862. (See 1864 J 68.)

It is clear from these facts that the accession clause in Article I was understood at that time to restrict neither the authority of the Bishop to declare the accession to the Episcopal Church Constitution terminated nor the authority of the Diocesan Convention to accede to the constitution of the Confederate Church. Article I was understood as reflecting determinations already made by the diocesan authorities and therefore requiring subsequent conforming changes to record those decisions.

3. 1866: Re-accession to the Constitution of the Episcopal Church and Withdrawal of Accession to the Confederate Church

In 1866 at the conclusion of the Civil War a resolution was passed by the Diocesan Convention to withdraw from the Confederate Church and rejoin The Episcopal Church. Significantly, a proposal was made to the Convention that "this reunion shall be considered complete so soon as the requisite alterations of the Constitution shall have been adopted and ratified constitutionally." This proposal was rejected, however, by the Diocesan Convention, which by resolution "hereby declared" inconsistent provisions of the Constitution and Canons "to be henceforth of no force." The Convention then directed that the Constitution "be changed" immediately "to conform to the legislation adopted at this Council." (1866 J 40-45.)

It is clear from these facts that determinations of accession to the constitutions of other associations and withdrawals of such accession were understood at that time to be within the competence of diocesan authorities and changes to the Constitution to conform to these determinations were regarded as ministerial changes, not as amendments to the Constitution.

4. 2010: Withdrawal of Accession to the Canons of the Episcopal Church

As noted above, in 2010 the Diocesan Convention passed a resolution nullifying with immediate effect certain canons of the General Convention of The Episcopal Church. At the same time, the Convention passed a first reading of an amendment to Article I removing the reference to accession to the canons of General Convention. This language in Article I was subsequently removed after a second reading at the 2011 Convention, but the nullification of general canons passed at the 2010 Convention had effect immediately upon the passage of the resolution in 2010. (2010 J pp.) Again, this precedent demonstrates that the Diocesan Convention understood that accessions were matters to be determined by the diocesan authorities and that subsequent changes to the Constitution were conforming, not authorizing, changes.

Section IV:

Answers to Questions Concerning the Interpretation of Article I

Based on the text of the Constitution, the legislative history and the historical precedents, I answer the questions of interpretation posed by the Standing Committee as follows:

(i) *What are the meaning and function of Article I of the Diocese's Constitution, particularly the language that the Diocese "accedes to the Constitution" of The Episcopal Church?*

Based on the plain meaning of the text of Article I, the legislative history and the precedents, I conclude that the first sentence of Article I, the accession clause, functions as a recital. It uses indicative language, in contrast to the prescriptive or permissive legislative language found elsewhere throughout the Constitution. As a recital, the accession clause imposes no mandatory duty on the Diocese to maintain the accession. There is no prescriptive language in the accession clause mandating that the Diocese "shall accede" to the general Constitution.

The accession clause is directly derived from the first article in the 1841 Constitution, which also was the only article in that Constitution to use indicative, descriptive language. The 1841 constitutional revision removed completely the preamble found in prior constitutions, including a recital referring to the general Constitution—although not to the Diocese's accession. It is apparent from these facts that in the absence of a preamble, the recital concerning the general Constitution was placed in the first article.

In this respect Article I of the Diocese's Constitution has the same function as the recital in the preamble to the general Constitution, which recites in indicative language that The Episcopal Church "is a member of the Anglican Communion."

Second, based on the uniform interpretations by the Diocese from 1789 to the present, I conclude that the accession clause does not constitute the Diocese's accession but merely records and reflects an accession made independently of this provision. This is most obvious from the fact that an accession reference was first added to the Constitution in 1841, over fifty years after the original accession was made, but it is also consistent with all other precedents and the plain meaning of the constitutional text.

Third, the reference in the accession clause is to the accession to the general Constitution, not to membership in the legal entity comprising The Episcopal Church. Because these are distinct concepts, the accession clause makes no reference to association membership itself, in either prescriptive or descriptive language. It is not uncommon for nonprofit entities to adopt standards or rules, such as transparency or accountability standards, promulgated by organizations of which they are not a member. Although accession to the Episcopal Church Constitution and membership in the legal entity are associated concepts, they are distinct acts. Article I refers to the former; it does not address the latter. In this respect, the recital in Article I differs from that in

the preamble to the general Constitution, which explicitly references membership, not the accession to the constitution.

Fourth, the adaption of the concept of accession from international law and the Articles of Confederation confirms the basic structure of The Episcopal Church as an association of dioceses retaining their distinct legal personalities, rights and sovereignty.

Finally, the second sentence of Article I functions as a supremacy clause establishing the legal priority of the Diocese's Constitution and Canons over the general ones. Because the general Constitution contains no such supremacy clause and there is no other provision prohibiting dioceses from enacting their own, this is consistent with the general Constitution.

(ii) Can the Diocese withdraw the accession referred to in Article I and/or its membership as a constituent member diocese of The Episcopal Church?

From the legislative history reviewed above it is apparent that the Protestant Episcopal Church in South Carolina was a duly constituted legal entity and was independent of all other Episcopal churches prior to the adoption of any general Constitution forming the association comprising the Episcopal Church in the United States. The South Carolina Church has retained its distinct legal personality ever since. When it first acceded to the general Constitution and joined the Episcopal Church, the Diocese's Constitution explicitly limited the powers that were "delegated" to "the General Ecclesiastical Government" and reserved legal authority to the Diocese. Throughout its history the Diocese has from time to time exercised its independent and reserved authority by rejecting general canons and withdrawing its accession and membership.

The Episcopal Church was formed in 1789 pursuant to its Constitution as a "voluntary association," a form of entity now generally referred to as an unincorporated nonprofit association. The constituent members of this association are dioceses that have distinct legal personalities prior to joining. These legal entities first accede to the general Constitution and then join the association as members upon the consent of the other members through their agents.

It has long been the rule of association law that a member is free to withdraw at any time absent an agreement to the contrary. *N.L.R.B. v. Granite State Jt. Bd.*, 409 U.S. 213, 216 (1972); *Booster Lodge v. Int. Assoc. of Machinists and Aerospace Workers,* 412 U.S. 84, 88 (1973). There are no restrictions on withdrawal in the general Constitution.

In addition, freedom of association, like the free exercise of religion, is a constitutional right protected by the First Amendment. As a religious society that pre-existed The Episcopal Church, the Diocese enjoys distinct free exercise and associational rights that were not extinguished by its associating with other member dioceses to form The Episcopal Church. The leading experts on association law acting under the auspices of the American Bar Association have expressed the opinion that restrictions on member withdrawal from an association would be unenforceable on public policy and constitutional grounds. Although there are no such restrictions in the Episcopal

Church Constitution, this remains an important principle of association and constitutional law that would render moot any attempt to discern an implicit restriction on withdrawal in the provisions of the general Constitution.

The Executive Council has asserted that the requirement in the general Constitution that "new dioceses" give an "unqualified accession" means that this accession and subsequent association membership are irrevocable and that this provision is applicable to all dioceses notwithstanding its explicit limitation to new dioceses. This argument would be irrelevant even if true due to the constitutional principles just noted. But it also fails on other grounds. It is an elementary principle of contract law (and the constitution of a voluntary association is a legal contract) that all acceptances must be unqualified or unconditional in order to form a contract. The requirement of an "unqualified accession" thus adds nothing to the common principles of contract law that would be applicable in any event. It simply requires that the joining diocese attach no conditions or qualifications to its accession. But this is a question of contract formation, not duration. Under contract law, the standard rule is that unless expressly agreed otherwise, a contract without a stated duration is terminable at will or upon reasonable notice. If an unqualified acceptance made a contract irrevocable, a contract without a term of duration could never be terminated, which is contrary to the settled law. To make a contract irrevocable, parties would not specify that acceptance (accession) must be "unqualified." They would specify that the contract is "irrevocable." Formation and duration are distinct matters. "Unqualified" applies to the former; "irrevocable" to the latter.

In any event, this requirement is not applicable to the Diocese under any theory since it applies by its own terms only to new dioceses joining in recent years. The Diocese made its accession and joined the association long before this provision was adopted.

The understanding that an unqualified accession is not irrevocable is also consistent with the practice of The Episcopal Church itself when it made an unqualified accession to the constitution of the Anglican Consultative Council in terms strikingly similar to those used by the Diocese in making its accession to the general Constitution. The Episcopal Church has always asserted its complete legal autonomy from the Anglican Communion and its official bodies.

Therefore, I conclude based on the terms of the general constitution, the meaning of the term "accede" and settled principles of association, constitutional and contract law that both withdrawal of the accession to the Constitution and withdrawal from membership in the association are permitted.

(iii) What are the procedures by which the accession and membership can be withdrawn, including whether such decisions can take effect without amending Article I and what diocesan bodies or offices are authorized to make such decisions?

Because accession to the general Constitution and membership in the association are distinct matters, I will address this question in three parts: withdrawal of the accession; withdrawal of association membership; and which diocesan authorities are competent to make such decisions.

First, it follows from the plain meaning of Article I and the fact that the accession clause is a recital that imposes no mandatory obligation on the Diocese that both accessions or withdrawals of accession by an authorized diocesan authority take legal effect either immediately or at such time and upon such conditions as the diocesan authority specifies. This interpretation is consistent with all of the historical precedents cited above. In none of the six precedents in the history of the Diocese has the accession or withdrawal of accession taken legal effect upon the completion of conforming changes to the Constitution, and an interpretation that this was required by the Constitution was explicitly rejected by the Diocesan Convention in 1866.

Second, the answer to the question concerning withdrawal from membership in the association is straightforward. Because Article I makes no mention of association membership and the general Constitution does not prohibit withdrawal from the association, it would be legally possible for the Diocese to withdraw from the association and maintain its accession to the general Constitution even if the accession clause had required the diocese to maintain its accession, which it does not. In any event, as a recital, the accession clause in Article I imposes no mandatory duties on the Diocese regarding either accession or association membership. For both of these reasons, withdrawal from association membership can take legal effect without amending Article I.

Third, it follows from the answers given above, the text of the Constitution and Canons and the historical precedents already cited that the Constitution and Canons do not specify the diocesan bodies or officers authorized to make or withdraw accessions or membership decisions in other associations.

The Constitution and Canons identify several authorities of the Diocese, including the Diocesan Convention, the Bishop as Ecclesiastical Authority of the Diocese and the Standing Committee. The Constitution and Canons explicitly reserve certain decisions to the Diocesan Convention, including the election of a Bishop, admission of new parishes or missions, election of deputies to General Convention, enactment of canons and amendments to the Constitution. However, accessions, withdrawals of accession and decisions concerning association membership are not among the matters reserved by Constitution or Canon to the Diocesan Convention.

Of the six precedents in the history of the Diocese, four accessions or withdrawals have been determined by the Diocesan Convention, one (the original accession in 1789) by delegates specifically authorized to make such a determination "on behalf of" the Diocese and the other by the Bishop who concluded in 1861 that the original accession to The Episcopal Church had been terminated. It is significant that the Diocesan Convention in 1861 did not purport to enact the

termination of the accession by resolution, but instead recognized it as the pre-existing basis for its subsequent resolutions implementing this termination.

I therefore conclude based on the texts of the Constitution and Canons and historical precedents that decisions concerning accessions, withdrawals of accession and decisions concerning association membership can be effected by any competent diocesan authority, including the Diocesan Convention, the Bishop acting as Ecclesiastical Authority of the Diocese, the Standing Committee and other delegates specifically authorized by the Diocese to act in such a matter on its behalf.

(iv) Does the letter dated June 16, 2011 from the Secretary of the Executive Council of the Episcopal Church, subsequently copied to the Diocese, have any effect on the interpretation of the Diocese's Constitution and Canons?

The intended effect of this letter is far from clear. It was not addressed to the Ecclesiastical Authority of the Diocese and was only provided to the diocese weeks after it was mailed to its recipient. It stated that a subcommittee of the Executive Council "agreed" that an earlier Council resolution that did not mention the Diocese "covers the situation there" notwithstanding the fact that the earlier resolution discussed a constitutional provision that applies on its face only to the "admission of new dioceses."

In any event, the Executive Council is not a body established or authorized by the Constitution of The Episcopal Church. It does not have constitutional authority to review and approve changes to the Constitution and Canons of member dioceses. Indeed, no general body or office is given this authority by the Constitution. The Executive Council does not have constitutional authority to make final and binding interpretations of the general Constitution. Again, no general body or office is given this authority by the Constitution. The Executive Council does not have legal supremacy over member dioceses. Yet again, no general body or office is given this authority by the Constitution.

In contrast, as provided in Article IX of the Diocese's Constitution and Canon XXXVII and Articles II and IV of the general Constitution the Bishop is "the Ecclesiastical Authority" of the Diocese. The Diocese's Constitution states explicitly that the diocesan Constitution and Canons "shall prevail" in case of conflict with the Constitution of The Episcopal Church. Canon XXXVII gives the Ecclesiastical Authority of the Diocese explicit authority to make final and binding interpretation of the Diocese's Constitution and Canons. Based on these facts I conclude that neither the letter from the Secretary of the Executive Council nor any resolution by that Council has any effect on the interpretation of the Diocese's Constitution and Canons.

The Protestant Episcopal Diocese of South Carolina pre-existed the formation of the association comprising The Episcopal Church and was a founding member of that association. As noted, the Diocese has from time to time throughout its history joined other associations as a member, including The Episcopal Church, the church in the Confederate States, and the Anglican

Communion Network. As of the date of this Interpretation, the Diocese remains a member of the association comprising The Episcopal Church, but its legal existence as a separate religious society incorporated in the state of South Carolina would continue uninterrupted if it elected to terminate its membership in that association as it has when other association memberships have been terminated in the past.

As a pre-existing and separately incorporated religious society, the Diocese has First Amendment rights distinct from those of other associations of which it may be a member. Pursuant to those rights, the members of the Diocese have sole authority to determine the rules for the governance of their society. They have done so in their Constitution. They have made that Constitution prevail over any conflicting provision in the Constitution of The Episcopal Church. They have constituted the Bishop (or the Standing Committee in the absence of a bishop) as the Ecclesiastical Authority of the Diocese and given the Ecclesiastical Authority exclusive authority to interpret the Constitution and Canons of the Diocese, including the authority to determine who can meet and vote and what is or is not in order for voting at such meetings.

I make this Interpretation of the Constitution and Canons as the Ecclesiastical Authority of the Diocese pursuant to my authority under the Constitutions of the Diocese and The Episcopal Church and Canon XXXVII. I do so with the advice and counsel of the Chancellor of the Diocese. This Interpretation shall be final and binding in all respects.

Faithfully Yours,

+Mark J Lawrence

The Rt. Rev. Mark J. Lawrence
XIV Bishop of South Carolina

Telephone (843) 722-4075 • Email: office@dioceseofsc.org • Fax (843) 723-7628

DSC 78 - Letters Dimissory

The Right Reverend Mark J. Lawrence
Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403

Office of the Bishop

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT 78

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Pittsburgh:

I HEREBY CERTIFY *that* ***The Reverend Todd Schmidtetter,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Pittsburgh.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for five years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 26, 2012

The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 26, 2012

Telephone (843) 722-4075 • E-mail: mlawrence@dioceseofsc.org • Fax (843) 723-7628

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Office of the Bishop

ACCEPTANCE OF LETTERS DIMISSORY
THE DIOCESE OF SOUTH CAROLINA

To the Ecclesiastical Authority of

The Diocese of Springfield

I hereby certify that the Letters of Dimissory of

The Rev. David Morrison Adams

from the Diocese of Springfield, has been presented to me, and has been accepted by me, and the date of record: November 9th, 2012

Dated at Charleston, South Carolina
the 9th day of November, 2012

+Mark J Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

The Very Rev. Paul C. Fuener
President, Standing Committee

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Office of the Bishop

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Albany:

I HEREBY CERTIFY *that* ***The Reverend Leander Harding,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Albany.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for two years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 9, 2012

The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 9, 2012

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Offices • 126 Coming Street • Charleston, South Carolina 29403
Office of the Bishop

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Central Florida:

I HEREBY CERTIFY *that* ***The Reverend John Beckett Burwell,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Central Florida.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for twenty eight years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 9, 2012

The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 9, 2012

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The Right Reverend Mark J. Lawrence
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Office of the Bishop

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Pittsburgh:

I HEREBY CERTIFY *that* ***The Reverend William C. Miller.,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Pittsburgh.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for four years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 14, 2012

The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 14, 2012

Telephone (843) 722-4075 • E-mail: mlawrence@dioceseofsc.org • Fax (843) 723-7628

The Right Reverend Mark J. Lawrence
Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403
Office of the Bishop

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Springfield:

I HEREBY CERTIFY *that* ***The Right Reverend Edward Lloyd Salmon, Jr,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Springfield.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for five years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 14, 2012

The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 14, 2012

Office of the Bishop

The Right Reverend Mark J. Lawrence

Diocese of South Carolina • Post Office Box 20127 • Charleston, South Carolina 29413-0127
Offices • 126 Coming Street • Charleston, South Carolina 29403

LETTERS DIMISSORY

To the Ecclesiastical Authority of the Diocese of Springfield:

I HEREBY CERTIFY *that* ***The Reverend M. Dow Sanderson,*** *has signified to me his desire to be transferred to the Ecclesiastical Authority of* ***the Diocese of Springfield.*** *He is a Presbyter of the Diocese of South Carolina in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for five years last past.*

+Mark J. Lawrence

The Rt. Rev. Mark J. Lawrence
Bishop of South Carolina, XIV

Charleston, South Carolina, November 26, 2012

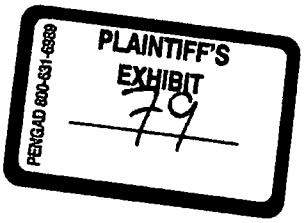
The Very Rev. Paul C. Fuener
President, Standing Committee

Charleston, South Carolina, November 26, 2012

Telephone (843) 722-4075 • E-mail: mlawrence@dioceseofsc.org • Fax (843) 723-7628

DSC 79 - Letter of December 5, 2012

THE
Episcopal
CHURCH



December 5, 2012

To: The Secretary of the House of Bishops
The Secretary of the General Convention
The Ecclesiastical Authority of Each Diocese of the Episcopal Church
The Other Bishops of the Episcopal Church
The Recorder of Ordinations
The Church Pension Fund
The Church Deployment Board

Renunciation of Ordained Ministry
and Declaration of Removal and Release

In accordance with Title III, Canon 12, Section 7 of the Constitution and Canons of the Episcopal Church, and with the advice and consent of the Advisory Committee to the Presiding Bishop, I have accepted the renunciation of the Ordained Ministry of this Church, made in writing on November 17, 2012 by:

The Right Rev. Mark Joseph Lawrence
Bishop of South Carolina

Who is, therefore, removed from the Ordained Ministry of this Church and released from the obligations of all Ministerial offices, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred on him in Ordinations.

This action is taken for causes that do not affect his moral character.

+ [signature]
Episcopal Witness

[signature]
Episcopal Witness

+Katharine Jefferts Schori
The Most Rev. Katharine Jefferts Schori
XXVI Presiding Bishop

D 5 - Diocese's Application for IRS Exemption

Form **1023**
(Rev. June 2006)
Department of the Treasury
Internal Revenue Service

Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code

OMB NO. 1545-0056

Note: *If exempt status is approved, this application will be open for public inspection.*

Use the instructions to complete this application and for a definition of all ***bold*** *items.* For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at www.irs.gov for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your organizing document)

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF S.C.

2 c/o Name (if applicable)

NANCY ARMSTRONG

3 **Mailing address** (Number and street) (see instructions) Room/Suite

P.O. BOX 20127

4 Employer Identification Number (EIN)

57-0314383

City or town, state or country, and ZIP + 4

CHARLESTON
SC 29413-0127

5 Month the annual accounting period ends (01 – 12)

12

6 Primary contact (officer, director, trustee, or **authorized representative**)
a Name:

GORDON L. MCCAY, CPA, MBA

b Phone: (843) 881-4477

c Fax: (optional) (843) 881-4477

7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, *Power of Attorney and Declaration of Representative,* with your application if you would like us to communicate with your representative. [X] Yes [ ] No

8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. [ ] Yes [X] No

9a Organization's website: www.dioceseofsc.org

b Organization's email: (optional) office@dioceseofsc.org

10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. [X] Yes [ ] No

11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) 11/14/1973

12 Were you formed under the laws of a **foreign country**? If "Yes," state the country. [ ] Yes [X] No

COPY

1 of 4

EXHIBIT tabbies DEFS 1410

DSC-730-06777

[redacted]anizational Structure

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

1 Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing certification of filing with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification. [X] Yes [ ] No

2 Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application. [ ] Yes [X] No

3 Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments. [ ] Yes [X] No

4a Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments. [ ] Yes [X] No

b Have you been funded? If "No," explain how you are formed without anything of value placed in trust. [ ] Yes [ ] No

5 Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected. [X] Yes [ ] No

Part III Required Provisions in Your Organizing Document

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): Page 1,Article I, Paragraph 1 [X]

2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c. [ ]

2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. _____

2c See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state: SOUTH CAROLINA [X]

Part IV Narrative Description of Your Activities

Using an attachment, describe your *past, present,* and *planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
SEE ATTACHED LIST	PAGE 2 PART V LINE 1a	----------	

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors *(Continued)*

b List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
SEE ATTACHED LIST	PAGE 3 PART V LINE 1b		

c List the names, names of businesses, and mailing addresses of your five highest compensated independent contractors that receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A			

The following "Yes" or "No" questions relate to *past, present,* or *planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

2a Are any of your officers, directors, or trustees related to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☒ No

b Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. ☐ Yes ☒ No

c Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☒ No

3a For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

b Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. ☐ Yes ☒ No

4 In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

a Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? ☒ Yes ☐ No

b Do you or will you approve compensation arrangements in advance of paying compensation? ☒ Yes ☐ No

c Do you or will you document in writing the date and terms of approved compensation arrangements? ☒ Yes ☐ No

Part V **Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors** *(Continued)*

d	Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?	[X] Yes	[ ] No
e	Do you or will you approve compensation arrangements based on information about compensation paid by similarly situated taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	[X] Yes	[ ] No
f	Do you or will you record in writing both the information on which you relied to base your decision and its source?	[X] Yes	[ ] No
g	If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is reasonable for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.		
5a	Have you adopted a conflict of interest policy consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.	[X] Yes	[ ] No
b	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?		
c	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?		
	Note: A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.		
6a	Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	[ ] Yes	[X] No
b	Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than $50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	[ ] Yes	[X] No
7a	Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine that you pay no more than fair market value. Attach copies of any written contracts or other agreements relating to such purchases.	[ ] Yes	[X] No
b	Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.	[ ] Yes	[X] No
8a	Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.	[X] Yes	[ ] No
b	Describe any written or oral arrangements that you made or intend to make. HOUSING LEASE & EMPLOYMENT CONTRACT		
c	Identify with whom you have or will have such arrangements. BISHOP MARK LAWRENCE		
d	Explain how the terms are or will be negotiated at arm's length. PAY IS IN LINE WITH OTHER BISHOPS IN THE EPISCOPAL CHURCH		
e	Explain how you determine you pay no more than fair market value or you are paid at least fair market value.		
f	Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.		
9a	Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.	[ ] Yes	[X] No

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors *(Continued)*

b Describe any written or oral arrangements you made or intend to make.
c Identify with whom you have or will have such arrangements.
d Explain how the terms are or will be negotiated at arm's length.
e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past, present,* and *planned* activities. (See instructions.)

1a	In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals.	[X] Yes	[ ] No
b	In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.	[X] Yes	[ ] No
2	Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.	[X] Yes	[ ] No
3	Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.	[X] Yes	[ ] No

Part VII Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

1	Are you a **successor** to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.	[ ] Yes	[X] No
2	Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.	[X] Yes	[ ] No

Part VIII Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past, present,* and *planned* activities. (See instructions.)

1	Do you support or oppose candidates in **political campaigns** in any way? If "Yes," explain.	[ ] Yes	[X] No
2a	Do you attempt to **influence legislation**? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.	[ ] Yes	[X] No
b	Have you made or are you making an **election** to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities.	[ ] Yes	[X] No
3a	Do you or will you operate bingo or **gaming** activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. **Revenue and expenses** should be provided for the time periods specified in Part IX, Financial Data.	[ ] Yes	[X] No
b	Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements.	[ ] Yes	[X] No
c	List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.		

Part VIII Your Specific Activities *(Continued)*

4a Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.) [X] Yes [ ] No

- [X] mail solicitations
- [X] email solicitations
- [X] personal solicitations
- [X] vehicle, boat, plane, or similar donations
- [X] foundation grant solicitations
- [X] phone solicitations
- [X] accept donations on your website
- [ ] receive donations from another organization's website
- [X] government grant solicitations
- [ ] Other

Attach a description of each fundraising program.

b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements. [X] Yes [ ] No

c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements. [ ] Yes [X] No

d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.

e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors. [ ] Yes [X] No

5 Are you **affiliated** with a governmental unit? If "Yes," explain. [ ] Yes [X] No

6a Do you or will you engage in **economic development**? If "Yes," describe your program. [ ] Yes [X] No

b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

7a Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees. [ ] Yes [X] No

b Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees. [ ] Yes [X] No

c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

8 Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate. [ ] Yes [X] No

9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10. [ ] Yes [X] No

b Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). [ ] Yes [ ] No

c Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). [ ] Yes [ ] No

d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k). [ ] Yes [ ] No

10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed. [ ] Yes [X] No

Part VIII Your Specific Activities *(Continued)*

11	Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.	[X] Yes	[ ] No
12a	Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.	[X] Yes	[ ] No
b	Name the foreign countries and regions within the countries in which you operate.		
c	Describe your operations in each country and region in which you operate.		
d	Describe how your operations in each country and region further your exempt purposes.		
13a	Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.	[X] Yes	[ ] No
b	Describe how your grants, loans, or other distributions to organizations further your exempt purposes.		
c	Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.	[ ] Yes	[X] No
d	Identify each recipient organization and any relationship between you and the recipient organization.		
e	Describe the records you keep with respect to the grants, loans, or other distributions you make.		
f	Describe your selection process, including whether you do any of the following:		
	(i) Do you require an application form? If "Yes," attach a copy of the form.	[ ] Yes	[X] No
	(ii) Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.	[X] Yes	[ ] No
g	Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.		
14a	Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.	[X] Yes	[ ] No
b	Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.		
c	Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.	[ ] Yes	[X] No
d	Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.	[X] Yes	[ ] No
e	Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.	[X] Yes	[ ] No
f	Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.	[ ] Yes	[X] No

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Part VIII Your Specific Activities *(Continued)*

15	Do you have a **close connection** with any organizations? If "Yes," explain.	☐ Yes	☒ No
16	Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.	☐ Yes	☒ No
17	Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.	☐ Yes	☒ No
18	Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.	☐ Yes	☒ No
19	Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.	☐ Yes	☒ No
20	Is your main function to provide **hospital** or **medical care**? If "Yes," complete Schedule C.	☐ Yes	☒ No
21	Do you or will you provide **low-income housing** or housing for the **elderly** or **handicapped**? If "Yes," complete Schedule F.	☐ Yes	☒ No
22	Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H. **Note: Private foundations** may use Schedule H to request advance approval of individual grant procedures.	☒ Yes	☐ No

Part IX Financial Data

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

A. Statement of Revenues and Expenses

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years			
		(a) From 1/1/2010 To 12/31/2010	(b) From 1/1/2009 To 12/31/2009	(c) From 1/1/2008 To 12/31/2008	(d) From 1/1/2007 To 12/31/2007	(e) Provide Total for (a) through (d)
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)	4,618,154	4,709,778	6,172,333	5,271,372	20,771,637
	2 Membership fees received					0
	3 Gross investment income	339,583	378,997	275,997	460,055	1,454,632
	4 Net unrelated business income					0
	5 Taxes levied for your benefit					0
	6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					0
	7 Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)	196,510	135,416	70,070	80,619	482,615
	8 Total of lines 1 through 7	5,154,247	5,224,191	6,518,400	5,812,046	22,708,884
	9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)	3,076,453	2,918,222	3,096,976	2,849,391	11,941,042
	10 Total of lines 8 and 9	8,230,700	8,142,413	9,615,376	8,661,437	34,649,926
	11 Net gain or loss on sale of capital assets (attach schedule and see instructions)					0
	12 **Unusual grants**					0
	13 Total Revenue Add lines 10 through 12	8,230,700	8,142,413	9,615,376	8,661,437	34,649,926
Expenses	14 Fundraising expenses	51,030	2,099	223,409	61,445	
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)	3,255,049	3,825,956	3,583,650	3,135,998	
	16 Disbursements to or for the benefit of members (attach an itemized list)					
	17 Compensation of officers, directors, and trustees					
	18 Other salaries and wages	2,515,371	2,575,703	2,808,351	2,408,309	
	19 Interest expense	82,930	24,437	31,122	12,200	
	20 Occupancy (rent, utilities, etc.)					
	21 Depreciation and depletion	40,363	3,385	27,380	22,665	
	22 Professional fees	278,450	54,911	45,034	81,422	
	23 Any expense not otherwise classified, such as program services (attach itemized list)	2,156,958	2,454,405	2,843,969	3,007,988	
	24 Total Expenses Add lines 14 through 23	8,380,151	8,940,896	9,562,915	8,730,027	

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Part IX Financial Data-Statement of Revenues and Expenses					
					Total
	Column	Column	Column	Column	Column
	a.	b.	c.	d.	e.
Line: 7					
Miscellaneous fees, income, gifts	$196,510	$135,416	$70,070	$80,619	$482,615
Line: 9					
St. Christopher Camp and Conference					
Center Income	$3,076,453	$2,918,222	$3,096,976	$2,849,391	$11,941,042
Line: 15					
Ministry with others	$232,430	$260,481	$317,418	$297,928	$1,108,257
Council designated expenses and gifts	$74,967	$215,840	$193,859	$223,588	$708,254
Expenditure of assets released from					
restrictions	$2,947,652	$3,349,635	$3,072,373	$2,614,482	$11,984,142
Total Line 15	$3,255,049	$3,825,956	$3,583,650	$3,135,998	$13,800,653
Line: 23					
Missions and Program Expenses	$1,243,980	$1,551,795	$1,981,574	$1,987,582	$6,764,931
Administration	$912,978	$902,610	$862,395	$1,020,406	$3,698,389
Total Line 23	$2,156,958	$2,454,405	$2,843,969	$3,007,988	$10,463,320

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Part IX Financial Data *(Continued)*

B. Balance Sheet (for your most recently completed tax year) — Year End: 2010 (Whole dollars)

	Assets		
1	Cash	1	369,385
2	Accounts receivable, net	2	40,981
3	Inventories	3	
4	Bonds and notes receivable (attach an itemized list)	4	
5	Corporate stocks (attach an itemized list)	5	
6	Loans receivable (attach an itemized list)	6	
7	Other investments (attach an itemized list)	7	481,868
8	Depreciable and depletable assets (attach an itemized list)	8	2,100,882
9	Land	9	416,000
10	Other assets (attach an itemized list)	10	
11	Total Assets (add lines 1 through 10)	11	3,409,116
	Liabilities		
12	Accounts payable	12	15,760
13	Contributions, gifts, grants, etc. payable	13	
14	Mortgages and notes payable (attach an itemized list)	14	1,445,528
15	Other liabilities (attach an itemized list)	15	
16	Total Liabilities (add lines 12 through 15)	16	1,461,288
	Fund Balances or Net Assets		
17	Total fund balances or net assets	17	1,947,828
18	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17)	18	3,409,116

19 Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. ☐ Yes ☒ No

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a **private foundation** or a **public charity.** Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a **private operating foundation.** (See instructions.)

1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions. ☐ Yes ☒ No

b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2. ☐

2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. ☐ Yes ☐ No

3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. ☐ Yes ☐ No

4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? ☐ Yes ☐ No

5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A. ☒

b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B. ☐

c 509(a)(1) and 170(b)(1)(A)(iii)—a **hospital**, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C. ☐

d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D. ☐

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Part IX Financial Data-Balance Sheet		
Line 7: Other Investments:		
Certificates of Deposit	$250,000	
Short-term investments	$231,868	
Total Line 7	$481,868	
Line 14: Mortgages and Notes Payable		
Farmer's & Merchants Bank-land	$90,528	
Wachovia Bank-unsecured	$500,000	
Wachovia Bank-unsecured	$355,000	
Wachovia Bank-unsecured	$500,000	
Total Line 15	$1,445,528	

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Part X Public Charity Status *(Continued)*

e 509(a)(4)—an organization organized and operated exclusively for testing for public safety. ☐

f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit. ☐

g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. ☐

h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). ☐

i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status. ☐

6 If you checked box g, h, or i in question 5 above, you must request either an advance or a definitive ruling by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period,* provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at *www.irs.gov* or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling. ☐

Consent to Extend Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

For Organization

(Signature of Officer, Director, Trustee, or other authorized official)	(Type or print name of signer)	(Date)
	(Type or print title or authority of signer)	

For IRS Use Only

IRS Director, Exempt Organizations	(Date)

b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii). ☐

(i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. 0

(b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box. ☐

(ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each disqualified person. If the answer is "None," check this box. ☐

(b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) $5,000. If the answer is "None," check this box. ☐

7 Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual. ☐ Yes ☐ No

Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed $10,000 annually over a 4-year period, you must submit payment of $750. If your gross receipts have not exceeded or will not exceed $10,000 annually over a 4-year period, the required user fee payment is $300. See instructions for Part XI, for a definition of **gross receipts** over a 4-year period. Your check or money order must be made payable to the United States Treasury. *User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.*

1	Have your annual gross receipts averaged or are they expected to average not more than $10,000? If "Yes," check the box on line 2 and enclose a user fee payment of $300 (Subject to change—see above). If "No," check the box on line 3 and enclose a user fee payment of $750 (Subject to change—see above).	☐ Yes	☒ No
2	Check the box if you have enclosed the reduced user fee payment of $300 (Subject to change).	☐	
3	Check the box if you have enclosed the user fee payment of $750 (Subject to change).	☒	

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here ▶ Jim Lewis (Signature of Officer, Director, Trustee, or other authorized official) | Jim Lewis (Type or print name of signer) | 10-24-11 (Date)

Canon to the Ordinary (Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application. Form **1023** (Rev. 6-2006)

DSC-730-06790

Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed $10,000 annually over a 4-year period, you must submit payment of $750. If your gross receipts have not exceeded or will not exceed $10,000 annually over a 4-year period, the required user fee payment is $300. See instructions for Part XI, for a definition of gross receipts over a 4-year period. Your check or money order must be made payable to the United States Treasury. *User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.*

1	Have your annual gross receipts averaged or are they expected to average not more than $10,000? If "Yes," check the box on line 2 and enclose a user fee payment of $300 (Subject to change—see above). If "No," check the box on line 3 and enclose a user fee payment of $750 (Subject to change—see above).	☐ Yes	☒ No
2	Check the box if you have enclosed the reduced user fee payment of $300 (Subject to change).	☐	
3	Check the box if you have enclosed the user fee payment of $750 (Subject to change).	☒	

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here ▶

(Signature of Officer, Director, Trustee, or other authorized official)	(Type or print name of signer)	(Date)
	(Type or print title or authority of signer)	

Reminder: Send the completed Form 1023 Checklist with your filled-in-application. Form **1023** (Rev. 6-2006)

DSC-730-06791

Schedule A. Churches

1a	Do you have a written creed, statement of faith, or summary of beliefs? If "Yes," attach copies of relevant documents.	[X] Yes	[ ] No
b	Do you have a form of worship? If "Yes," describe your form of worship.	[X] Yes	[ ] No
2a	Do you have a formal code of doctrine and discipline? If "Yes," describe your code of doctrine and discipline.	[X] Yes	[ ] No
b	Do you have a distinct religious history? If "Yes," describe your religious history.	[X] Yes	[ ] No
c	Do you have a literature of your own? If "Yes," describe your literature.	[ ] Yes	[X] No
3	Describe the organization's religious hierarchy or ecclesiastical govemment. SEE ATTACHED EXPLANATION		
4a	Do you have regularly scheduled religious services? If "Yes," describe the nature of the services and provide representative copies of relevant literature such as church bulletins.	[X] Yes	[ ] No
b	What is the average attendance at your regularly scheduled religious services?	14,000	
5a	Do you have an established place of worship? If "Yes," refer to the instructions for the information required.	[X] Yes	[ ] No
b	Do you own the property where you have an established place of worship?	[X] Yes	[ ] No
6	Do you have an established congregation or other regular membership group? If "No," refer to the instructions.	[X] Yes	[ ] No
7	How many members do you have?	28,658	
8a	Do you have a process by which an individual becomes a member? If "Yes," describe the process and complete lines 8b–8d, below.	[X] Yes	[ ] No
b	If you have members, do your members have voting rights, rights to participate in religious functions, or other rights? If "Yes," describe the rights your members have.	[X] Yes	[ ] No
c	May your members be associated with another denomination or church?	[X] Yes	[ ] No
d	Are all of your members part of the same family?	[ ] Yes	[X] No
9	Do you conduct baptisms, weddings, funerals, etc.?	[X] Yes	[ ] No
10	Do you have a school for the religious instruction of the young?	[X] Yes	[ ] No
11a	Do you have a minister or religious leader? If "Yes," describe this person's role and explain whether the minister or religious leader was ordained, commissioned, or licensed after a prescribed course of study.	[X] Yes	[ ] No
b	Do you have schools for the preparation of your ordained ministers or religious leaders?	[X] Yes	[ ] No
12	Is your minister or religious leader also one of your officers, directors, or trustees?	[X] Yes	[ ] No
13	Do you ordain, commission, or license ministers or religious leaders? If "Yes," describe the requirements for ordination, commission, or licensure.	[X] Yes	[ ] No
14	Are you part of a group of churches with similar beliefs and structures? If "Yes," explain. Include the name of the group of churches.	[X] Yes	[ ] No
15	Do you issue church charters? If "Yes," describe the requirements for issuing a charter.	[X] Yes	[ ] No
16	Did you pay a fee for a church charter? If "Yes," attach a copy of the charter.	[ ] Yes	[X] No
17	Do you have other information you believe should be considered regarding your status as a church? If "Yes," explain.	[ ] Yes	[X] No

Schedule E. Organizations Not Filing Form 1023 Within 27 Months of Formation

Schedule E is intended to determine whether you are eligible for tax exemption under section 501(c)(3) from the postmark date of your application or from your date of incorporation or formation, whichever is earlier. If you are not eligible for tax exemption under section 501(c)(3) from your date of incorporation or formation, Schedule E is also intended to determine whether you are eligible for tax exemption under section 501(c)(4) for the period between your date of incorporation or formation and the postmark date of your application.

1	Are you a church, association of churches, or integrated auxiliary of a church? If "Yes," complete Schedule A and stop here. Do not complete the remainder of Schedule E.	☒ Yes	☐ No
2a	Are you a public charity with annual gross receipts that are normally $5,000 or less? If "Yes," stop here. Answer "No" if you are a private foundation, regardless of your gross receipts.	☐ Yes	☐ No
b	If your gross receipts were normally more than $5,000, are you filing this application within 90 days from the end of the tax year in which your gross receipts were normally more than $5,000? If "Yes," stop here.	☐ Yes	☐ No
3a	Were you included as a subordinate in a group exemption application or letter? If "No," go to line 4.	☐ Yes	☐ No
b	If you were included as a subordinate in a group exemption letter, are you filing this application within 27 months from the date you were notified by the organization holding the group exemption letter or the Internal Revenue Service that you cease to be covered by the group exemption letter? If "Yes," stop here.	☐ Yes	☐ No
c	If you were included as a subordinate in a timely filed group exemption request that was denied, are you filing this application within 27 months from the postmark date of the Internal Revenue Service final adverse ruling letter? If "Yes," stop here.	☐ Yes	☐ No
4	Were you created on or before October 9, 1969? If "Yes," stop here. Do not complete the remainder of this schedule.	☐ Yes	☐ No
5	If you answered "No" to lines 1 through 4, we cannot recognize you as tax exempt from your date of formation unless you qualify for an extension of time to apply for exemption. Do you wish to request an extension of time to apply to be recognized as exempt from the date you were formed? If "Yes," attach a statement explaining why you did not file this application within the 27-month period. Do not answer lines 6, 7, or 8. If "No," go to line 6a.	☐ Yes	☐ No
6a	If you answered "No" to line 6, you can only be exempt under section 501(c)(3) from the postmark date of this application. Therefore, do you want us to treat this application as a request for tax exemption from the postmark date? If "Yes," you are eligible for an advance ruling. Complete Part X, line 6a. If "No," you will be treated as a private foundation.	☐ Yes	☐ No
b	**Note.** Be sure your ruling eligibility agrees with your answer to Part X, line 6. Do you anticipate significant changes in your sources of support in the future? If "Yes," complete line 7 below.	☐ Yes	☐ No

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Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures

Section I ***Names of individual recipients are not required to be listed in Schedule H.*** **Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.**

1a Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc. SEE ATTA

b Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award. SEE ATTACHED ANSWER FOR QUESTION 1

c If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).

d Specify how your program is publicized. SEE ATTACHED ANSWER FOR QUESTION 1

e Provide copies of any solicitation or announcement materials. N/A

f Provide a sample copy of the application used. SEE ATTACHED ANSWER FOR QUESTION 1

2 Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to you? If "No," refer to the instructions. ☒ Yes ☐ No

3 Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.) ALL FULL TIME SEMINARIANS OF THE DIOCESE OF SOUTH CAROLINA

4a Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.) SEE ATTACHED ANSWER FOR QUESTION 4

b Describe how you determine the number of grants that will be made annually. SEE ATTACHED ANSWER FOR QUESTION 4

c Describe how you determine the amount of each of your grants. SEE ATTACHED ANSWER FOR QUESTION 4

d Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.) SEE ATTACHED ANSWER FOR QUESTION 4

5 Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated. SEE ATTACHED ANSWER FOR QUESTION 5

6 Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members? SEE ATTACHED #6

7 Are relatives of members of the selection committee, or of your officers, directors, or **substantial contributors** eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections? ☒ Yes ☐ No

Note. If you are a private foundation, you are not permitted to provide educational grants to **disqualified persons.** Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

Section II **Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.**

1a If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures? ☐ Yes ☐ No ☐ N/A

b For which section(s) do you wish to be considered?

- 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution ☐
- 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product ☐

2 Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring? ☐ Yes ☐ No

3 Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2? ☐ Yes ☐ No

The Protestant Episcopal Church
in the Diocese of South Carolina
EIN # 57-0314383
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Line 1

The State of South Carolina

EXECUTIVE DEPARTMENT

CERTIFICATE OF INCORPORATION

BY THE SECRETARY OF STATE

WHEREAS, The Right Reverend Gray Temple, 1000 South Main Street, Summerville, South Carolina
The Reverend Canon George I. Chassey, Jr., Route 3, Box 380A, John's Island, S. C.

two or more of the officers or agents appointed to supervise or manage the affairs of

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

which has been duly and regularly organized, did on the 14th day of November, A. D. 19 73, file with Secretary of State a written declaration setting forth:

That, at a meeting of the aforesaid organization held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That, the said organization holds, or desires to hold property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profi or gain to the members, otherwise than is above stated, nor for the insurance of life, health, accident or property; and that three days' notice in the News & Courier, a newspaper published in the County of Charleston, has been given that the aforesaid Declaration would be filed.

AND WHEREAS, *Said Declarants and Petitioners* further declared and affirmed:

FIRST: Their names and residences are as above given.

SECOND: The name of the proposed Corporation is

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

THIRD: The place at which it proposes to have its headquarters or be located is 1020 King Street
Charleston, S. C.

FOURTH: The purpose of the said proposed Corporation is to continue the operation of an Episcopal Diocese under the Constitution and Canons of The Protestant Episcopal Church in the United States of America.

FIFTH: The names and residences of all Managers, Trustees, Directors or other officers are as follows:

The Rt. Rev. Gray Temple	1020 King Street, Charleston, S. C.	Bishop
The Rev. Canon George I. Chassey, Jr.	1020 King Street, Charleston, S. C.	Secretary
Thomas B. Myers	1020 King Street, Charleston, S. C.	Treasurer

SIXTH: That they desire to be incorporated: in perpetuity

Now, THEREFORE, *I, O. FRANK THORNTON*, Secretary of State, by virtue of the authority in me vested, by Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto, do hereby declare the said organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 13, Title 12, Code of 1962, and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia, this 14th day of November in the year of our Lord one thousand nine hundred and 73 and in the one hundred and 98th year of the Independence of the United States of America.

O. FRANK THORNTON,
Secretary of State.

DSC-730-06795

THE STATE OF SOUTH CAROLINA

EXECUTIVE DEPARTMENT

By the Secretary of State

Whereas, Bishop C. F. Allison, John Q. Beckwith, III

a majority of the Board of Directors of

THE PROTESTANT EPISCOPAL DIOCESE OF SOUTH CAROLINA

a corporation created under and pursuant to the laws of South Carolina, by certificate issued by the Secretary of State on the 14th day of November, A. D. 19 73.

HAVE CERTIFIED, over their signatures, Resolutions authorizing in behalf of the aforesaid Corporation The the Bishop and Executive Secretary of the convention be, and they are hereby authorized and directed to apply to the Secretary of State of South Carolina for an amendment of the name of the charter of this organization from "The Protestant Episcopal Diocese of South Carolina" to

"THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA"

(authorized and set forth in the certificate aforesaid), which Resolutions were adopted pursuant to law, at a meeting of the stockholders of the aforesaid Corporation, of which thirty days' notice was given, which notice stated the purpose of the aforesaid meeting, and further, that said Resolutions were adopted by a majority vote, and that in all respects there has been complied with the provisions of Title 33, Chapter 31, Code of Laws of South Carolina, 1976 and all amendments thereto.

NOW, THEREFORE, I John T. Campbell Secretary of State, by virtue of the authority in me vested by Chapter aforesaid, of the Code of Laws of South Carolina, 1976, and amendments thereto, do hereby certify that the requirements of law for said amendment have been complied with, and for good and sufficient reasons to me appearing, do hereby certify that the charter of the aforesaid Company has been so amended.

GIVEN under my hand and the seal of the State at Columbia, this 13th day of March, in the year of our Lord One Thousand nine hundred and 87 and in the two hundred and Eleventh year of the Independence of the United States of America.

Secretary of State.

The Protestant Episcopal Church
in the Diocese of South Carolina
EIN # 57-0314383
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[redacted]

DSC-730-06796

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

NONPROFIT CORPORATION
ARTICLES OF AMENDMENT

TYPE OR PRINT CLEARLY WITH BLACK INK

Pursuant to the provisions of Section 33-31-1005 of the 1976 South Carolina Code of Laws, as amended the applicant delivers to the Secretary of State these articles of amendment.

1. The name of the nonprofit corporation is The Protestant Episcopal Church in the Diocese of South Carolina

2 Date incorporated 11/14/1973

3. Specify (a) the text of every amendment adopted, and (b) list when each amendment was adopted

Corporate purpose amended September 9, 2010 to read: "Fourth: The purpose of the said proposed Corporation is to continue operation under the Constitution and Canons of The Protestant Episcopal Church in the Diocese of South Carolina.

4. ☑ By checking this paragraph #4 the applicant represents that (a) approval of the amendment by the members was not required, (b) the amendment was approved by a sufficient vote of the board or directors or the incorporators. (Do not check this paragraph #4 if member vote was required or if the required vote of directors or incorporators was not obtained.)

5. If the approval of the members was required to adopt the amendment(s), provide the following information:

(a) Designation (Classes of Membership)

(b) Number of memberships outstanding

(c) Number of votes entitled to be cast by each class entitled to vote separately on the amendment

(d) Number of votes of each class indisputably voting on the amendment

(e) Complete one of the following as appropriate

(i) Total number of votes cast for and against the amendment by each class entitled to vote separately

(ii) Total number of undisputed votes cast for the amendment by each class which was sufficient for approval for that class

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The Protestant Episcopal Church in the Diocese of South Carolina
Name of Corporation

6. ☐ By checking this paragraph #6 the applicant represents that approval of the amendment by some person or persons other than the members, the board, or the incorporators is required pursuant to Section 33-31-1030 of the 1976 South Carolina Code of Laws, as amended, and that the approval was obtained. (Do not mark paragraph #6 if either of these statements is not true.)

7. If the amendment provides for an exchange, reclassification, or cancellation of memberships, provisions for implementing the amendment must be set forth here if provisions are not contained in the amendment itself _____

_____

_____

8. ☐ If this corporation is converting from either a public benefit or religious corporation into a mutual benefit corporation, mark this paragraph #8 which certifies that a notice, including a copy of the proposed amendment, was delivered to the South Carolina Attorney General at least twenty days before the consummation of the amendment.

Date October 19, 2010

The Protestant Episcopal Church in the Diocese of South Carolina
Name of Corporation

[redacted]

Mark J. Lawrence, President
Type or Print Name and Office

FILING INSTRUCTIONS

1 Two copies of this form, the original and either a duplicate original or a conformed copy must be filed

2 If the space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk which will allow for expansion of space on the form

3 This form must be accompanied by the filing fee of $10 00 payable to the Secretary of State

Return to Secretary of State
P O. Box 11350
Columbia, SC 29211

[redacted]

Form Revised by South Carolina
Secretary of State, January 2000

DSC-730-06798