

**AMERICAN CHURCH LAW: A GUIDE AND  
MANUAL FOR RECTORS, WARDENS AND  
VESTRYMEN OF THE  
CHURCH KNOWN IN LAW AS "THE  
PROTESTANT EPISCOPAL CHURCH IN THE  
UNITED STATES OF AMERICA"**

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American Church Law: A Guide and Manual for Rectors, Wardens and Vestrymen of the Church Known in Law As "The Protestant Episcopal Church in the United States of America" by Edwin Augustine White

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*New York. 6<sup>th</sup> September 1898*  
*Edmund B. Young*

AMERICAN  
CHURCH LAW *Deim Baesler*

A GUIDE AND MANUAL

FOR

RECTORS, WARDENS AND VESTRYMEN

OF

THE CHURCH KNOWN IN LAW AS

"THE PROTESTANT EPISCOPAL CHURCH IN  
THE UNITED STATES OF AMERICA."

BY THE REVEREND

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## PREFACE.

IT IS not without some hesitation that the author presents this work to his brethren of the Church. Its appearance is due to the request of many of both clergy and laity, and to their representations that the information it contains has long been needed.

The object of this book is two-fold: First, to trace the continuity of the Church, known as "the Protestant Episcopal Church in the United States of America," with the "Church of England"; to show that the Church in America is no new creation, formed by the Convention of 1789, but that she is the same identical body formerly known as the Church of England in the Colonies, "the change of name being only a dictate of the change of circumstances"; that, as she professes the same doctrine, and engages in the same worship, so doth she hold to the same discipline with the Church of England; and that the English Ecclesiastical Law is of force in the American Church to-day, so far as it is applicable to our circumstances, and not superseded by positive enactments of our own.

Second, To give the Law of the Church in America, with citations of authorities, civil and ecclesiastical.

For this purpose, the author has deemed it advisable to divide the work into two parts. Part I., "Sources and Sanctions of American Church Law," includes the first object of the work. Part II., "The Law of the Church," includes the second object.

The author has not endeavored to set forth a complete compendium of the whole Law of the Church, only of that portion which relates to the rights and duties of Rectors, Wardens and Vestrymen in their joint and several relations, and to the proper conduct of parochial matters.

In interpreting the law, and applying the decisions of the courts and the opinions of authorities to propositions stated, the author has sought to be guided by the principles which were once familiar

to him as a practising lawyer, and which, he trusts, he has not entirely forgotten. Conscious, however, of his liability to err in judgment, he has submitted his manuscript to an able jurist among the laity, learned also in Ecclesiastical Law, and much of it to one of the most learned of the clergy of the Church, and availed himself of their suggestions.

The reader will, of course, understand that by the "American Church" in the following pages is meant the "Protestant Episcopal Church in the United States of America"; the title "American Church" being used simply for brevity, and to avoid the constant repetition of one that is awkward and cumbersome.

By request of a number of the clergy, the author has added a supplement, containing certain "Rules of Order," with explanations of the same, which he trusts may prove helpful to the Rectors of Parishes in the conduct of Parish and Vestry meetings.

Appendices, containing certain forms required for different purposes by the General or Diocesan Canons of the Church, have also been added. The author has refrained from inserting any forms required by the Statute Law, as such forms are so materially variant in the different States as to render it impossible to set forth any that would be of practical value in any considerable number of Dioceses.

The services of one learned in legal lore should, in most cases, be employed in the drawing up of statutory forms.

The author trusts that this work may not only be found useful as a guide and authority for Rectors, Wardens and Vestrymen in the various matters with which they may have to deal, but also that it may serve as an educator for Churchmen concerning the principles and laws of their Church.

In conclusion, the author desires to express to the secretaries of the several Diocesan Conventions his appreciation of their kindness in furnishing him with copies of the Constitutions and Canons of their respective Dioceses.

E. A. W.

CHRIST CHURCH RECTORY,  
Bloomfield, New Jersey, June, 1898.

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