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Maryland Vestry Act

and the provisions applicable to parishes and congregations in the District of Columbia

(as was published in the Appendices to the Canons of the Diocese of Washington)

THE "MARYLAND VESTRY ACT"

Laws of Maryland (Session Laws), Chapter 96, Acts of 1976:

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 312A through 312Q, inclusive of Article 23 — Corporations of the Annotated Code of Maryland (1973 Replacement Volume and 1975 Supplement), be and they are hereby repealed and reenacted without amendments for the purpose of transferring them from the Annotated Code of Maryland to the Session Laws, to read as follows:

PROTESTANT EPISCOPAL CHURCH — DIOCESE OF WASHINGTON

312A. Time, place and manner of electing vestrymen; right of and qualifications for suffrage.

The vestries shall be chosen for each parish within this Diocese in the following manner:

Every member of the parish who shall have been entered on the books of the parish as a member of the Protestant Episcopal Church, at least one month preceding the day of parish election, shall have the right of suffrage for the election of vestrymen at the annual meeting of such parish and for all other matters which may duly come before the parish at any annual or special meeting. In the case of a newly organized parish, the right of suffrage shall extend to all members of the new congregation for the election of the initial vestry and the adoption of by-laws. Additional qualifications for suffrage not inconsistent herewith, if any, shall be contained in by-laws adopted in accordance with the provisions of (a) hereof, provided that the age of all voters shall not be less than 18 years of age.

(a) The parishes and separate congregations of the Protestant Episcopal Church in the State of Maryland may by by-laws provide for the time, place, and manner of calling the annual meeting and all special meetings of the parish and the manner of conducting elections of vestrymen, the number of vestrymen to be elected, and the length of the terms of the offices of vestrymen. Such by-laws may be adopted at any annual meeting or special meeting of members of the parish or congregation by a vote of two-thirds of the qualified voters present at such meeting. Any by-laws adopted as authorized by this section shall be subject to amendment, modification, or repeal at any annual meeting or special meeting of the parish or congregation in the same manner as herein provided for adoption of such by-laws. Subject to the provisions of applicable public law, parish by-laws shall be in conformity with the Constitution and Canons of the Protestant Episcopal Church and the Diocese of said Church wherein the parish is located.

312B. Enrollment of applicants by secretary of parish.

The Secretary of the parish shall, and it is hereby declared to be his duty to enroll any person of the Protestant Episcopal Church who shall apply for the purpose, on the books of the parish.

312C. Perpetuation of vestry.

To perpetuate the vestry in each parish, if a vacancy happens in the vestry after their election, or any one elected shall refuse to serve, then the other members shall have the power to appoint a new member or members, as the case may be, to serve till the next succeeding annual election.

312D. Vestrymen to judge elections and qualifications of voters and proposed vestrymen.

The vestrymen of each parish, or a majority of those who shall attend, shall judge of the election of vestrymen, and of the qualifications of voters, and of the qualification of the parishioners proposed to be elected as vestrymen.

312E. Oath of vestrymen.

The by-laws of a parish may provide that every person chosen a vestryman shall, before he acts as such take and subscribe the oath of support and fidelity required by the constitution and form of government, unless such person hath before taken such oath, and also make and subscribe a declaration of his belief in the Christian religion, and he shall also take and subscribe the following oath of office, to wit: "I, A.B., do solemnly swear, that I will faithfully execute the office of a vestryman of Parish, in County, without prejudice, favour or affection, according to the best of my skill and knowledge;" which oaths and declarations any justice of the peace, or any vestrymen present, may administer and take.

312F. Rules and regulations; rector to be member of vestry.

Each parish and/or vestry shall have power to make all rules and regulations respecting the temporal government and support of their respective parishes, not inconsistent with public law, including, but not limited to, the enactment of by-laws in accordance with the provisions of Section 312A(a) hereof, containing specific provisions relating to the time and place of vestry meetings; establishing a quorum for the transaction of business which shall be not less than one-third of the number of vestrymen nor more than a majority; and establishing specific provisions for giving due notice of all meetings. The rector of each parish shall be a member of the vestry.

312G. Duties of rector at vestry meetings; property rights of rector.

The rector of each parish for the time being shall preside in the vestry, collect the votes, and shall have a vote, and he shall have, unless he otherwise contracts with the vestry, the possession, occupation and free use of all glebe-lands, houses, ground-rents, books and other property, belonging to his parish, and be entitled to the benefit thereof during the time he shall officiate therein as rector. Provided, however, that each parish may by by-laws duly enacted in accordance with the provisions of Section 312A(a) hereof, provide for any additional, or different manner of determining the presiding officer of a vestry meeting.

312H. How property held and use thereof.

The vestry of each parish for the time being, as trustees of the parish, shall have an estate in fee-simple in all churches and chapels, and in all glebes, and other lands, and shall have a good title and estate in all other property heretofore belonging to the Church of England, or which shall hereafter belong to the said church, now called Protestant Episcopal Church, in Maryland; and it shall be lawful for such vestry so to manage and direct all such property as they may think most advantageous to the interests of the parishioners, and they shall also have the property in all books, plate and other

ornaments belonging to said churches and chapels, or any of them.

312I. Church wardens.

A Senior Warden and a Junior Warden shall be elected from among the members of the parish entitled to vote. The by-laws of the parish shall provide for the manner of conducting elections of such churchwardens, either by the members of the parish or by the vestry; their length of terms; and the manner of filling vacancies in the office of churchwarden. Their duties shall be as prescribed in the bylaws of the parish, and in the Constitution and Canons of the Protestant Episcopal Church and of the Diocese in which such parish is located.

312J. Choosing and contracting with ministers and readers.

The vestry of every parish shall have full power and authority, from time to time, to choose one or more ministers or readers of the Protestant Episcopal Church, (heretofore called the Church of England), to officiate in any church or chapel belonging to the parish, and to perform the other duties of a minister therein, for such time as the said vestry may think proper, and they may agree and contract with such minister or ministers, reader or readers, for his or their salary, and respecting the use and occupation of the parsonagehouse or any glebe or other lands, or other property, if any, belonging to the parish, and on such terms and conditions as they may think reasonable and proper, and their choice and contract shall be entered among their proceedings; and upon the expiration of such contract, the said vestry may, in their discretion, renew their choice, or make a new contract, but if they do not incline so to do, their former choice and contract shall remain until they declare their desire to make a new choice or contract. Provided, however, that no action shall be taken hereunder contrary to provisions, consonant with public law, o[f] the constitution and canons of the Protestant Episcopal Church or of the Diocese of said church wherein the parish is located.

312K. When secretary of parish authorized to give certificates; admissibility of certificates as evidence in courts.

Whenever the vestry of any Parish has neglected to procure a common seal, and until such common seal be procured, the Secretary of such Parish is authorized to give a certificate of entry of any birth, marriage or burial entered in the books of said vestry, under the hand of such Secretary, which shall be received in evidence in all courts of justice within this state: provided nevertheless, the said certificate is accompanied with a certificate of the clerk of the county court of the county in which said Secretary resides, under the seal of the said county court, that he knows of his own knowledge, or that it hath been proven to his satisfaction that the person subscribing himself as Secretary of such parish is in fact the Secretary as stated, and that the said certificate was subscribed by said Secretary.

312L. Subscription for maintenance of ministers, readers and other officers.

If the vestry of any parish should think it necessary to take in subscriptions for the maintenance of their minister or ministers, reader or readers, or for paying the salaries of such other officers as the occasions of the parish may require to be appointed, or for any other parish purposes, it shall and may be lawful for them to do so.

312M. Powers of vestrymen in general.

The vestrymen of every parish in this state for the time being shall be, and they are hereby declared to be, one community, corporation and body politic, forever, by the name of The Vestry of the parish to which they severally belong, and by the same name they, and their successors, shall and may

have

perpetual succession, and shall and may, at all times hereafter, be persons able and capable in law to purchase, take and hold, to them and their successors, in fee, or for any less estate or estates, any lands, tenements, hereditaments, rents or annuities, within this state, by the gift, bargain, sale or devise, of any person or persons, body politic and corporate, capable of making the same, and such lands, tenements or hereditaments, to rent or lease, in such a manner as they may judge most conducive to the interests

of their respective parishes, and also to take and receive any sum or sums of money, and any kind of goods and chattels, which may or shall be given, sold or bequeathed, unto them, by any person or persons, bodies politic or corporate, capable to make a gift, sale or bequest thereof, and to apply the same for the use of their respective parishes as herein before directed.

312N. Sale of property.

No vestry shall sell, alien or transfer, any of their estates or property belonging to their church or churches, without the consent of five at least of their body, (of which number the rector shall always be one), together with the consent of both, the churchwardens, and in case there be no rector in the parish, then it shall be necessary to obtain the consent of the Bishop of the Protestant Episcopal Church in this state for the time being, previous to any sale, alienation or transfer, of any of the estates or property aforesaid.

312O. Power of vestrymen to sue and be sued, etc.; seal.

The vestry of every parish, and their successors, (by the name aforesaid), shall be forever hereafter able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts of justice, and before all or any judges, officers or other persons

whatsoever, in all and singular actions, matters and demands whatsoever; and it shall and may be lawful for them, and their successors, forever hereafter, to have a common seal for their use, and the same, at the will and pleasure of them, and their successors, to change, alter, break and make anew, from time

to time, as they shall think best.

312P. Dividing or uniting parishes.

It shall be lawful for the convention of the Protestant Episcopal Church in this State to divide or unite parishes, as occasion may require, and to alter their bounds, and to constitute new parishes; and vestrymen and churchwardens of new parishes, shall be chosen as hereinbefore provided, and shall have

perpetual succession, and be incorporated, by the name of the Vestry of such new Parish, and such vestry and churchwardens shall have all the powers hereby granted in this act to other vestrymen and churchwardens; provided always, that a majority of vestry of any parish, any part of which is proposed to be added to any new parish or parishes, or to be constituted into a new parish, shall consent thereto.

312Q. Severability.

If any provision, phrase, or clause of this subheading or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions, phrases, clauses or applications of this subheading which can be given effect without the invalid provision, phrase, clause or application, and to this end the provisions, phrases, and clauses of this subheading are declared severable.

Section 2. And be it further enacted, That this Act shall take effect July 1, 1976.

**PROVISIONS APPLICABLE TO PARISHES AND CONGREGATIONS IN THE DISTRICT OF
COLUMBIA**

An Act
Relating to the Parishes and Congregations of
The Protestant Episcopal Church in the
District of Columbia
Private Law 91-220, 84 Stat. 2164 (1970):

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of the General Assembly of the State of Maryland, passed in the year 1798, entitled "An act for the establishment of vestries for each parish in the State," ("The Vestry Act," chapter 24 of the Maryland Acts of 1798) as amended by the Legislative Assembly of the District of Columbia in 1872 and 1873, and by the Congress of the United States in 1874, 1919, and 1947 be repealed, except for paragraphs 9, 28 (without the proviso clause), 29, and 32 of chapter 24 which authorize the corporate structure of the church, its ownership of property and right to sue and be sued, which are hereby retained. Nothing in this Act shall be deemed in any way to impair or otherwise adversely affect the title to property as presently held or hereinafter acquired. Here after the government and operations of the Protestant Episcopal Church in the District of Columbia shall be in accordance with the constitution and canons of said church.
(Note: The sections not repealed are identical to the comparable sections in the version of the Vestry Act of Maryland set out in Part IA above, as follows: Sec. 9 = 312-H; Sec. 28 without proviso = 312-M; 29 = 312-N; and 32 = 312-O.)

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