

My testimony will be a summary of the factual history of the Episcopal Diocese of South Carolina from the beginning of its existence to the present as it relates to any of the issues in this lawsuit as gleaned from research in the voluminous records available. These records include published and unpublished manuscripts and documents as well as books, newsletters, and pamphlets.

As an example, I will testify about the governance of the Diocese as prescribed by the Constitution and Canons of the Diocese and the Episcopal Church throughout history. And, I will testify about the structural nature of the church and explain its hierarchical nature—the ordering of its governance.

- In 1790 at the 8th Convention of the Protestant Episcopal Church in South Carolina, the General Constitution and Canons were unanimously agreed to; this action was reaffirmed by the 20th Convention.
- In 1794, the Rev. Dr. Henry Purcell, rector of St. Michael's, and others issued a circular letter to parishes not represented in the 10th Convention suggesting secession over the matter of the authority of Bishops in the General Convention and “the desire to have a bishop consecrated.”
- In 1795 at the 11th Convention, the Rev. Robert Smith was unanimously elected Bishop of South Carolina. The secretary of the Convention “was requested to draw out Testimonials correspondent with the Canons, in order to his Consecration at the

General Convention to be held at Philadelphia....” Purcell also published “an obnoxious pamphlet, *strictures on the Love of Power in the Prelacy*. At the General Convention in September 1795, before Dr. Smith could be consecrated, he was questioned by the Bishops if the Convention that elected him “had adopted the principles” of the circular letter. He answered in the negative and his consecration was allowed to proceed.

- In 1804 at the 17th Convention—in response to a circular sent out by the vestries of St. Philip’s & St. Michael’s—met specifically to select a Standing Committee, “conformable to the constitution of the Prot. Epis. Churches of the U.S.A.”
- In 1806 at the 19th Convention, in creating the *Rules and Regulations for the Government of the Pro. Epis. Church in the State of South-Carolina* referenced the General Conventions of the Protestant Episcopal Churches in the United States and its Constitution and Canons.
- 1810. Beginning with the 23rd Convention, parochial reports were printed in the journals per the 45th Canon of the General Convention.
- 1814. The 26th Convention unanimously resolved that its representatives in the next General Convention “use their

endeavors, that there be established...under the auspices of the Church in general, a theological seminary.”

- 1815. The 27th Convention made an even stronger statement about the need for a seminary: “the welfare of the Church imperiously demands the institution of a Theological Seminary under the auspices of the General Convention....”
- 1820. In his address to the 32nd Convention, Bishop Nathaniel Bowen reminded the clergy “to bear in mind themselves, and induce to the utmost, that they can, their congregations to know and bear in mind, the requisitions of the Constitutions and Canons of the Church generally. I need not remind them, that the order of the Church in the Diocess, essentially depends on this....”
- 1821. At the 33rd Convention The Committee on the Rules of the Convention reported: “in the progress of their investigation, it appeared necessary, not only to consider the propriety of altering the particular Rules contemplated... but to review all the Rules, now of force, for the government of the Convention. Several of them are omitted, *in the Constitution now proposed*, as unnecessary; the Canons of the General Convention having sufficiently provided for their observance. The 9th and 11th of the old Rules are in that situation.” NOTE: Rule 9 concerned clerical credentials and Rule 11

concerned a recap of the parish register for the year. Both were dropped from the new constitution of 1821.

- 1822. The 34th Convention adopted Canon I that required any Church or Parish seeking union with the Convention to include a statement of their “willingness to conform to the Constitution and Canons of the General Convention...which are now, or hereafter may be enacted by the authority of the same.”
- 1822. The Constitution adopted by the 34th Convention included Article VII, which defined the duties of the Standing Committee in terms of the “purposes expressed in the Constitution and Canons of the General Convention.”
- 1823. The 35th Convention dropped Canon I and placed the same admission requirements in Article XII of the Constitution. [Article VII-that was still true through 2008].
- 1828. At the 40th Convention a Letter from the Secretaries of the General Convention concerning alterations to the Liturgy and Constitution of the Protestant Episcopal Church, proposed by the General Convention. The Diocesan committee to which the matter had been referred reported: The committee to which the matter had been referred discussed the role and authority of the various diocesan conventions and the General Convention: “But it does not appear that the decisions of the Several State Conventions are

vested with any legislative power or efficacy, in respect to the matters so made known to them, the final decision on which is reserved to the General Convention. Hence your Committee are of the opinion, that it is not necessary for this Convention to take any other order in relation to the alterations now proposed in the Constitution of the Protestant Episcopal Church in the United States, and in the Book of Common Prayer, and other offices of the Church, than to express their approval or disapproval of the same, should they deem such expression of their opinion expedient.”

- 1831. At the 43rd Convention, the Standing Committee reported: "In the discharge of their Canonical duties.... Upon the application of the Standing Committees of the Dioceses of Maryland and New-York, they have given their consent to the consecration...and signified the same by signing the requisite Canonical testimonials."
- 1839. At the 50th Convention, Article XIV of the Constitution was adopted: *Of Rites and Ceremonies*: "The Book of Common Prayer and Administration of the Sacraments and Other Rites and Ceremonies of the Church, according to the use of the Protestant Episcopal Church in the United States of America" shall be used in this Diocese."
- 1841. At the 52nd Convention, the Constitution was amended. The original preamble was dropped and a new Article I "Of acceding to

the Constitution and Canons of the General Convention” adopted unanimously.

- The 52nd Convention also amended Canon II. “Providing for an accurate view of the State of the Church” which included the phrase “Conformably to the seventh (7th) Canon of the General Convention of 1835. Passed 1825. Amended 1841.”
- 1843. At the 54th Convention, Bishop Gadsden noted that the Diocese of South Carolina had always recognized and supported the “General Institutions” of the Church, including the General Theological Seminary and the Domestic and Foreign Missionary Society.
- 1850. The 61st Convention, nominated fourteen South Carolinians as trustees of General Theological Seminary, subject to confirmation by the General Convention.
- 1853. The 64th Convention. Bishop Gadsden had died in August 1852. He had been ill and had not attended the previous convention. The Standing Committee “as the Ecclesiastical Authority of the Diocese” received the notice of the displacement of clergy in New-York “(pursuant to Canon V of 1850)” and the displacement of clergy in Kentucky, Mississippi, and Massachusetts. The committee had received letters dimissory “in conformity with Canon V of 1850.”

- 1866. The 76th Convention created the Board of Missions to Colored People and Freedmen—and elected its officers.
- 1866. The Rev. A. Toomer Porter, the official representative of the Bishop of South Carolina, made a presentation to the Freedman's Aid Commission of the Domestic and Foreign Missionary Society. This agency of the Episcopal Church made a grant of \$6,000 to the diocese for six years—primarily in support of the Rev. Porter's school in Charleston but also in support of clergy salaries.
- From 1866 to 1872, eighteen different clergy received stipends from either the American Church Missionary Society or the Domestic Committee of the Board of Missions.
- 1886. Thanks to an appeal from the House of Bishops, the Diocese received financial assistance to help in the rebuilding of churches damaged by the Charleston earthquake.
- 1899. The question of the division of the Diocese was raised at the 109th Council [after having received the required permission from Bishop Ellison Capers].
- 1900. At the 100th Council, the resolution to divide the Diocese was defeated.
- 1907. Bishop Capers gave his canonical consent to the election of a Bishop Coadjutor at the 117th Council .

- 1915. A resolution at the 125th Council calling for the election of a Suffragan Bishop was received only as information as the “requisite initiative by the Bishop was lacking.”
- 1920. At a special Council, In accord with the provision of Canon XII, Sec. II, Bishop Guerry announced his consent to the election of a Bishop Coadjutor. The Standing Committee reported that it had sought and obtained the consent from 96 of 118 Bishops and 57 of 66 Standing Committees.
- 1922. The 132nd Council resolved that the Bishop and its deputies to the next General Convention present a memorial “setting forth all necessary canonical information accompanied by the proper documents and evidence, and praying that the said division of the Diocese be sanctioned and confirmed.”
- 1922. At the meeting of the General Convention in September, the petition from the Diocese of South Carolina was ratified.

Among the materials I have consulted thus far:

From the Archives of the Episcopal Church, Austin Texas

- published Diocesan Journals, 1785-2010.
- Select Constitution and Canons of The Episcopal Church, 1847-1961.
- Extracts from the Annual Reports of the Board of Missions, 1866-1919.

The Board of Missions administered the missionary, educational, and social work of the church until it was replaced by the National Council. The Board first provided aid to the Diocese of South Carolina in 1866.

- Freedman's Aid Commission, Executive Committee Minute Book 1865-1878.

These records include correspondence from Bishop William Bell White Howe and regular reports about schools for African Americans in South Carolina that received funding from the Commission.

- Extracts from the Annual Reports of the National Council, 1920-1938.

The National Council continued the domestic missionary work of the Board of Missions and published annual reports until 1938. Throughout this period, The Episcopal Church continued to provide assistance to the Diocese of South Carolina.

- Extracts from the Minutes of the National Council, 1911-1965.

The minutes contain the Annual Budgets of the National Council that include evidence of regular aid to the Diocese of South Carolina until 1952. In addition to the annual appropriation, several large grants were made to specific programs in the Diocese over the years.

- Extracts from the Minutes of the American Church Missionary Society, 1867-1897.

ACMS was an Episcopal Church mission organization that later in 1877 became an auxiliary of the Domestic and Foreign Missionary Society. The ACMS provided support to the Southern Dioceses after the Civil War. South Carolina officially became a missionary field of the ACMS in 1867.

- Loans from the Episcopal Church Building Fund, 1880-1991.

Formerly known as the American Church Building Fund, the Episcopal Church Building Fund was established by General Convention and assists parishes with purchasing, improving, or repairing parochial buildings. The meeting minutes and closed loan files indicate the ECBF has provided financial support to many parishes in the Diocese for well over a century. A "List of Loans" is a register of loans made to *active* (i.e. open) churches in the Diocese from 1903-1973.

From the South Carolina Historical Society, Charleston

- Manuscripts of the proceedings of Diocesan Conventions, 1785-1822.
- Documents related to the creation of the Diocese of Upper South Carolina
- Various issues of *The Diocese and Jubilate Deo*

From the South Caroliniana Library, Columbia

- Various issues of *The Diocese*
- Published copies of Diocesan Journals, 1823-1925
- Publications of the Dalcho Historical Society

Selected Published Sources

- Addison, James Thayer. *The Episcopal Church in the United States, 1789-1931* (1951)
- Dalcho, Frederick. *The Protestant Episcopal Church in South Carolina, 1670-1820* (1820)
- Gregorie, Anne King. *Christ Church Parish, 1706-1759* (1961)
- Holmes, David L. *A Brief History of the Episcopal Church* (1993)
- Manross, William Wilson. *The Episcopal Church in the United States, 1800-1840* (1938; and rev. ed. 1959)
- Payne, Barbara R. *Amazing Grace: The Parish of St. Helena* (2012)
- Porter, A. Toomer. *Led On! Step By Step: Life in the South, 1828-1898* (1898)
- Pritchard, Robert W. *A History of the Episcopal Church* (1991)
- Thomas, Albert Sidney. *A Historical Account of the Protestant Episcopal Church in South Carolina, 1670-1820* (1957)
- Way, William and Virginia Kirkland Donehue. *By Grace Through Faith: A History Of Grace Church, Charleston* (2000)
- Williams, George W. *St. Michael's, Charleston* (1951)

To illustrate the tremendous amount of material, I cite just one record group: the published copies of Proceedings of Diocesan Conventions from 1785 to 2010. By 1823, the proceedings of the 35th Convention totaled 35 pages; in 1864, despite paper shortages due to the Civil War, the proceedings of the 75th Convention ran to 82 pages; the published proceedings for the 217th Convention and the reconvened 216th Convention amount to 191 pages. The total for the more than two centuries of this particular record runs to literally thousands of pages.

I will use my expertise as a professional historian to give a proper analysis and interpretation of any of the voluminous documents that are involved in the factual history I have been asked to present. I will render an expert opinion whenever necessary to explain the context of the history of the Diocese as it relates to these matters.

It would be impossible for me to list each and every expert opinion I might be required to render because such will depend upon issues raised by the Court and counsel in search of correct interpretations of the documents I am asked to inspect.