

Law from 1867 relates to Episcopal fight, judge says: Property disputes in Civil War times

News in the [May 6, 2008](#) issue

A Virginia court has ruled that a Civil War-era law applies to a property dispute between the state's Episcopal diocese and 11 congregations that have seceded from it. The state law in question, which dates to 1867, relates to the settlement of property disputes when there is a division in a church or religious society.

"The Court finds that the evidence of a 'division' within the diocese, the [Episcopal Church], and the Anglican Communion is not only compelling but overwhelming," wrote Judge Randy I. Bellows of the Fairfax County Circuit Court in the April 3 ruling.

The 11 breakaway churches, which include the large Truro and Falls Church congregations, have gathered as the Anglican District of Virginia, a subdivision of a group called the Convocation of Anglicans in North America. They are now fighting with the Virginia diocese and the Episcopal Church over who gets to keep church property, which has been estimated to be worth tens of millions of dollars.

"We are pleased with this initial victory today," said Jim Oakes, vice chair of the district. "We have maintained all along that the Episcopal Church and the Diocese of Virginia had no legal right to our property because the Virginia Division Statute says that the majority of the church is entitled to its property when there is a division within the denomination."

In a statement, the Diocese of Virginia noted that the court has not made a decision on the property issues on this matter and still has constitutional matters to address at a May 28 hearing.

"We strongly believe that, while we may have theological disagreements within the Episcopal Church, those disagreements are ours to resolve according to our faith and governance," the diocese said. The diocese also said it is "wrong" to allow those

who have departed the Episcopal Church to “continue to occupy Episcopal Church property while loyal Episcopalians are forced to worship elsewhere.”

Spokespersons for Episcopal headquarters in New York said that at the May 28 hearing its attorneys will present “our contention that if the statute means what the court has held, it plainly deprives the Episcopal Church and the diocese, as well as all hierarchical churches, of their historic constitutional rights to structure their polity free from governmental interference and thus violates the First Amendment and cannot be enforced.”

The court battle stems from disagreements about the national church’s acceptance of gays and lesbians. The 11 congregations split from the Episcopal Church and the Virginia diocese in 2007 and joined the Convocation of Anglicans in North America, which is headed by Nigerian archbishop Peter Akinola. *-Religion News Service*