

Whose Property?

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A few miles up the road from my Cheltenham parish in the English Diocese of Gloucester, stood Prinknash Abbey, occupying the 12th-century manor house of the former abbots of Gloucester. It seemed an ideal place for Cursillistas from Dallas and Fort Worth to help us hold our first English Cursillo.

Our diocesan bishop, John Yates, heartily agreed. “If,” he said, “the monks hesitate allowing you to use their Roman Catholic abbey for an Anglican Cursillo, just remind them that they need my permission to use their abbey chapel.”

It seems that after the Reformation the abbey buildings had fallen into secular hands and were only donated to a group of Benedictine monks in the 1920s. At that time the original chapel was turned into the monastic choir and a new sanctuary added at the east end, but one could only use the sanctuary by going through the choir, and that, being medieval, was the property of the Anglican diocese of Gloucester.

At the time this struck me as just another of those quaint English anachronisms, somewhat amusing but hardly relevant to today’s world. Then I began thinking about all those Anglican cathedrals and ancient parish churches stretched across the land, to say nothing of those medieval bequests that are still being used to pay the clergy of the Church of England.

When the Church of England originally dissociated from the Church of Rome, Parliament simply passed a law saying that “no foreign bishop shall have jurisdiction in this land.” It was a purely legal matter, a question of who runs whom and what owns what. In the future the English Church was to govern herself and become the independent Church of England. She was to continue to own all the property her people had built and sustained throughout the ages. It made obvious sense and no one objected. The only exception I have ever come across was an article in a 1948 issue of a Benedictine magazine published in Oxford, “the city of lost causes,” in which

the author accuses the Church of England of having grasped the medieval property of the Roman Catholic Church.

Canterbury Cathedral and St. Paul's, Westminster Abbey, and York Minster all belong to the Church of England because it is the same Church that was there ever since the early Celts were converted and St. Augustine came to English shores. The same Church still, once under the jurisdiction of Rome and now dissociated from Rome.

When the Anglican Communion began, following the American rebellion against England, the property of the Anglican colonial churches was no longer owned by the Church of England but by parishes which gathered together into new dioceses. Again, nobody thought to object. It seemed too obvious that all property belonged to those who built and paid for it quite independently of political or juridical association.

What was true of the Church was also true of the country. After the Revolution no one suggested that Mount Vernon belonged to England because it was originally built in the 17th century when Virginia was an English colony, or that Monticello was still an English manor house because it was built when Jefferson was still an English citizen, or that only an English parliament could meet in Philadelphia's Independence Hall because it had originally belonged to the British Province of Pennsylvania. But now, precedent and common sense are in danger of being tossed aside. Parish churches, even churches built before the American Revolution, are for the first time being sued for their buildings and other property by the leadership of TEC, without any consideration for the people who built and paid for them. It is claimed that all this property is held in trust for TEC, but what is now called *trust* ancient precedent would have called *theft*.

What about a Diocese such as Fort Worth? What is the difference between a diocese dissociating from the juridical instruments of the Episcopal Church and the Church of England dissociating from Rome, or the United States dissociating from England? The principles that determined who owned the property in earlier cases should also apply in the present. Whoever tries to seize property that they neither bought nor paid for flies in the face of all the principles of ancient precedent and American justice. Such cases should never reach the courts, and if they do they should be thrown out immediately without the grace of a public hearing.