

By Gerard J. Trippitelli, 2013.

## Introduction

Today's governance of Saint Anne's Parish is influenced by 215 year old legislation of the General Assembly of Maryland. The Vestry Act of 1798 was adopted after the American Revolution to assist the development the Protestant Episcopal Church of Maryland in its transition from the Established Church of colonial times.

Also, the role of the vestry in the management of church business has a long and interesting history that provides an understanding of the foundation for the system of governance of the Episcopal Church as now exemplified in the By-Laws of Saint Anne's Parish.

The Church of England was "established" under the Act for the Establishment of Religious Worship enacted by Maryland Provincial General Assembly in 1702. As the church of state, it was governed by colonial authorities, rectors and the select vestries, but under the control of the Bishop of London. There were no Bishops appointed or domiciled in colonial Maryland. Parish clergy and rectors were appointed by the Provincial Government and were for the most part loyalists, or priests sent from England.

During the years leading up to the Revolution, relationships within the parishes were tumultuous as church members took sides with either the patriots or the loyalists. After the Revolution, most of the loyalist clergy fled to England or Canada leaving many parishes (including Saint Anne's) without rectors. Also, with the breakdown of English rule and authority, the question of governance and ownership of Established Church property in Maryland became a major concern of vestries and churchmen throughout the state. At their urging, the state's politicians began to resolve these issues in the Maryland Declaration of Rights in 1776 and the Vestry Acts of 1779 and 1798.

Over the ensuing 150 years as the Episcopal Church in Maryland evolved, several amendments were adopted to improve and contemporize The Vestry Act. In 1949 and 1951 the Maryland General Assembly made major changes to The Act by allowing individual parishes to adopt by-laws encouraging more effective self governance. Saint Anne's Parish accordingly adopted its first by-laws on April 12, 1953. As we will see, those by-laws (as well as the most recent) retained much of the structure and spirit of The Act.

## Vestry Background and Other Relevant History

As far back as the 14th century in England, the vestry was a parish council headed by the parish priest, or in his absence the churchwarden or, in the absence of both, an elected member of the meeting. The vestry's powers grew with the decay of the hundredal and manorial courts system. Vestries were responsible not only for the ecclesiastical affairs of the parish but all the other administrative requirements of lay business. This use of vestries was employed in the development of the Anglican Church throughout England's colonial empire.

In colonial Maryland, considering the absence of domiciled Bishops, the Anglican parishes under a series of Acts of the Provincial General Assembly, (post 1692), entrusted significant authority to the vestries. One of these Acts, the Act for the Establishment of Religious Worship in this Province of 1702, is shown below: VII. And the better to promote the Execution of the good Laws of this Province, so far as concerns the respective Parishes, and for the more easy Dispatch of the Parish-Business, be it further enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, that there be select Vestries in each

parish of this Province, and that the several Vestry-Men of the several Parishes within this Province, that now are, or hereafter shall be chosen by such select Vestry, of which Vestry the Number shall always be Six at least, except upon Death or Resignation, or other Discharge of any of them, according to the Provision herein made to that Purpose; and in such Case of Death, or Resignation, or other legal Discharge from serving, the remaining part of such Vestries shall, with all convenient speed, summon and appoint a general Meeting of all the Inhabitants of the said Parish, who are Free-holders within the same Parish, and contribute to the Public Taxes and Charges of the said Parish, who shall, by Majority of Voices, elect and chose one or more sober and discreet Person or Persons, Free-holders of each respective Parish, to supply such Vacancies: And such person or Persons, so elected and chosen, shall take the usual Oath, appointed by Act of Parliament instead of the Oath of Allegiance and Supremacy, and the following Oath, viz. " I ---- -- ----- do solemnly Swear and Declare, that I will justly and truly " execute the Trust or Office of a Vestry-Man of this Parish, according to my best Skill and Knowledge, without Prejudice, Favour, or Affection." Which said Oaths, at the Election of a new Vestry, are to be administered by any Justice of the peace of the County, City or Place, where such Vestry is, who hereby likewise required and empowered to administer the same: And each person, so elected and chosen, shall likewise subscribe the Test, and also the Association, and having so done, and not before, shall be deemed and taken as one of the Vestry, to all Intents and Purposes.

So the vestries conducted parish business, and were "sworn to enforce laws against treason, blasphemy, and certain forms of immorality such as drunkenness, Sabbath-breaking, dueling and unlawful cohabitation." In exchange for this duty, each parish received a tithe of forty pounds of tobacco (or its equivalent) from each free adult male and for all slaves; the tax was levied regardless of religious affiliation but was used solely for Anglican churches and their clergy.

The first reference to a vestry at St. Anne's goes back to approximately 1701 when they did a census of the parish members, recording 374 persons. In 1708, Annapolis was chartered as a municipality and the mayor, Amos Garrett, and five of the six members of the first Board of Aldermen became vestrymen at St. Anne's church. From this point in time until the Revolution of 1776, the vestry's role in church business is evident.

St. Anne's records show the vestry did play a part in protecting public morals. As an example, Councilor David Dulaney said this in a letter to the vestry in 1744: "I caused an action to be commenced against David Huxler, a roguish fellow on Kent Island, for an incestuous marriage, and as the act was committed in this parish I think the penalty belongs to you." The fine was 5 pounds. Dulaney added, "I suppose you will find that I deserve 400 pounds tobacco as the fee for this prosecution".

The vestry at St. Anne's was made up of distinguished citizens, influential both politically and commercially not only in Annapolis, but also in the Provincial, State and Federal governments. Some St. Anne's vestrymen would become signers of the Declaration of Independence, and influence the Maryland Declaration of Rights and the Vestry Acts.

In 1774, the Saint Anne's vestry petitioned the Provincial Assembly for an assessment for a new church building. The Assembly approved the petition (see below) and appointed as trustees for the construction John Ridout, Samuel Chase, William Paca, Dr. Upton Scott and Thomas Hyde. In March, 1775 the vestry directed that the organ be moved to a theatre where services would be held while the new church building was being constructed. Thereafter, the old church was soon demolished. Below is the Act of the Provincial

Assembly authorizing the building of a new church for Saint Anne's Parish:

CHAP. XI. (Enacted at a Session of the Assembly between March 3 to April 19, 1774)

An Act for building a new church in the city of Annapolis, in Saint-Anne's parish.

John Ridout, Samuel Chase, William Paca, Upton Scott, and Thomas Hyde, are appointed trustees for building, in Annapolis, an elegant church, which is to be adorned with a steeple. The old church is to be taken down, and its materials are to be disposed of as the trustees shall think proper, to advance the new building, the centre of which is to be the centre of the old church.

The said trustees may either contract for the whole, or any part of the whole, or hire workmen and purchase

materials for carrying it on. And to enable them to perform their trust, they are empowered to recover all monies already, or which may be, subscribed. These, it is supposed, will amount to £. 300.

They are likewise to receive from the commissioners of the loan-office, the sum of £. 1,500; and at two equal assessments, in 1774 and 1775, the quantity of 160,000lb. of tobacco is to be levied on the parish, and paid to them, or to be recovered by them from the sheriff and his sureties, or their representatives, in an action for money had and received, &c.

In return for the £. 1,500 contributed by the public, there is to be provided a pew for the governor, next to that a large pew for the council, and opposite to it a pew for the speaker; all which are to be properly

ornamented. There are to be other pews for the members of the lower house, adjoining thereto a pew for the judges of the provincial court, and next to that a pew for strangers. All these are to be in the most airy, agreeable and commodious part of the church. After these, a pew is to be assigned to the incumbent, another to the wardens, and two others to the provincial juries.

When the whole building shall be completed, four weeks' notice is to be given in the Maryland gazette, for subscribers to come and choose their pews, preference being to be given to those who shall have contributed the largest sums, provided they shall each, at one entire subscription, have subscribed £. 5 more than others. Among those in the same class of subscribers the choice shall be given by lot, and the trustees are to choose for absentees. But no subscriber of a less sum than £. 20 shall be entitled to a pew, nor shall any person have more than one pew.

After accommodating such subscribers as shall be entitled, the trustees are to take care that there shall be at least 20 pews to be sold to the parishioners at auction. The amount of money due for taxables, is to be discounted from the price given at this sale, and the money paid shall be applied to defraying the genera

expense of the building.

In this church there is likewise to be provided a common gallery, or place for parishioners in general, another place for servants, and a third for slaves.

#### The American Revolution Breaks Up the Established Church

Hostilities broke out with the Battle of Lexington and Concord on April 19, 1775, and shortly thereafter, with The Battle of Bunker Hill on June 17, 1775. With all the commotion caused by the war, plans for construction of the new church were put aside and any building supplies and labor were diverted to the war effort. Many of the inhabitants of Annapolis, including members of Saint Anne's, left town to escape

the potential hostilities.

As the new country was moving towards a formal Declaration of Independence, on May 25, 1776 the Maryland Provincial Convention “Resolved that every Prayer and Petition for the King’s Majesty, in the Book of Common Prayer...be henceforth omitted in all churches and chapels in this Province, until our unhappy differences are ended”.

Whereas his Britannic majesty King George has prosecuted, and still prosecutes, a cruel and unjust war against the British Colonies in America, and has acceded to acts of parliament, declaring the people of the said colonies in actual rebellion: and whereas the good people of this province have taken up arms to defend their rights and liberties, and to repel the hostilities carrying on against them, and whilst engaged in such a contest, cannot, with any sincerity or devotion of heart, pray for the success of his majesty's arms; therefore Resolved, That every prayer and petition for the king's majesty, in the book of common prayer and administration of the sacraments and other rites and ceremonies of the church, according to the use of the church of England, except the second collect for the king in the communion service, be henceforth omitted in all churches and chapels in this province, until our unhappy differences are ended.

On July 4, 1776, William Paca and Samuel Chase, both vestrymen of St. Anne’s Church, signed the Declaration of Independence. In mid August of 1776, the first Maryland State Constitutional Convention was held in Annapolis where the Act of Religion of 1692 was repealed.

“That November, Thomas Lendrum, Rector of St. Anne’s, met with the vestry for the last time. It was the end of the last rectorship under the rule of the British crown. St. Anne’s found itself in its darkest hour. There was no church building. There was no rector. The war had caused many of the congregation to disperse. The Established Church, identified in the minds of many patriots as an instrument of British influence, was no longer the Established Church.”

Maryland Declaration of Rights

On November 3, 1776, the Maryland Convention, meeting in Annapolis, enacted a Declaration of Rights formally renouncing allegiance to the British Crown and also separated the state from the Church of England. The Declaration basically stated:

1. Persons professing the Christian religion are equally entitled to protection of their religious liberty.
2. No one ought to be compelled to frequent, or maintain, or contribute to any particular place of worship or ministry.
3. Taxes, on which The Established Church had relied since 1692, were swept away.

This declaration also stated:

The churches, chapels, glebes, and all other property now belonging to the Church of England, ought to remain to the Church of England forever.

Further, this Act directed the building or repairs of sacred edifices then in progress under former acts still to go on. Charles Carrollton, Barrister and member of the Vestry of St. Anne’s Church was Chairman of the

Maryland Convention. One may speculate that he was with this provision looking out for St Anne's since the new church was yet to be built.

There was at this point, of course, no English controlled "Church of England" left in America and no American organization yet established to replace it, so who then held title to the individual parish properties? It is likely that most vestrymen still considered the title of their church property legally in question. While the Declaration of Rights had granted that the property belonged to the church in name only, the Assembly had not passed any Act to specify who legally held title to the property of each individual parish.

Thus, the "American Revolution left the Church without law and order, somewhat shattered, stripped of most of their financial support, weakened by the flight of many clergy and thousands of members, with a number of buildings destroyed and property lost." Of the 53 parsons in Maryland in 1776, only 15 remained in 1780. Property ownership was in question.

St. Anne's was without a rector, and the vestry met once a year at Easter. Furthermore, any business they conducted, if they did, is unknown since church records were lost in the fire of 1858.

#### Beginning to Organize the Protestant Episcopal Church of Maryland

Even with the war raging, there was apparently some appetite to address the plight and disorganization of what was known as the Episcopal Church. The war didn't end until September, 1783 with the Treaty of Paris, but some progress was made concerning the disheveled state of the church in Maryland, beginning in 1779. A few leading churchmen, vestries and connected politicians realized that the Church needed law, order, organization, leadership and financing and lobbied for action.

#### Act for the Establishment of Select Vestries of March 1779 (Chapter 9)

Responding again to the requests of church leaders and vestrymen, the Maryland Legislature acted on the subject of the Church since the Declaration of Rights and passed what is known as the Act for the Establishment of Select Vestries of March 1779 (Chapter 9). This Act directed that select vestries in each parish be established to be vested with church property. This Act effectively conveyed control of church properties from the church as a whole to the individual local parishes and "vested" the property of each church to its vestry and their successors. The vestrymen were also given the authority to employ ministers and readers and to take subscriptions from persons willing to contribute towards the support of such minister or reader.

With a follow up Act in November of 1779 (Chapter 7), the prior Act was amended by including debts owed to the parish, which many thought were not included in the March Act.

II. Be it enacted, by the general assembly of Maryland, That all property belonging to the church of England shall be vested in the select vestries, and their successors, chosen in virtue of the above recited act, as trustees of the parish, where they shall be elected, and the said vestries, and their successors, may receive all debts to their parishes respectively for the use of their parish, and may sue for and recover the same in any court of law or equity in this state, in the name of the vestry of the parish to which they belong as a body politic.

Now that the ownership issue was resolved, the vestries began to meet more regularly. In Maryland, the process of replacing the Episcopal Church with what came to be called The Protestant Episcopal Church of Maryland took place over a period of several years. While the Maryland Declaration of Rights in 1775 and the Act for the Establishment of Select Vestries of 1779 was a beginning, more work had to be done.

## Maryland Church Conventions and the return of the Clergy

In 1780, William Smith was appointed rector of Chester Parish. He was formerly the head of the College of Philadelphia and was well known at the time. Smith organized a convention of laymen and clerics in November of 1780, which was considered the first meeting to organize the Maryland church. It is believed that this convention moved to change the name of the church to "The Protestant Episcopal Church", the name which subsequently was adopted nationally. Also, a petition was sent to all the parishes in Maryland asking them to join in lobbying the General Assembly to support the church. From 1780 onward, Maryland church conventions were held annually. At the 1783 convention, Smith and St. Anne's Annapolis Rector, Thomas Gates were appointed to petition the Maryland General Assembly to change the Book of Common Prayer. The church was also incorporated as the first non-British Anglican Church. These actions suggest the continued relationship between the Episcopal Church in Maryland and the Maryland Government. That the petition might get a sympathetic hearing might have been expected because William Paca was the Governor of Maryland in 1783. He had served as a vestryman and warden of St. Anne's. He knew William Smith, who was a teacher of his at the College of Philadelphia. Smith continued to convene meetings to organize the Church and develop a diocese in Maryland. In 1789 he was succeeded by Thomas John Claggett who became Maryland's first Bishop in 1792.

## Building the New Saint Anne's Church

In 1784, Thomas Gates was succeeded by Rev. Ralph Higinbotham as Rector of St. Anne's. During the war years, St. Anne's was using the playhouse and King Williams School for its services. But in 1785, the building trustees (John Ridout, Samuel Chase, William Paca, Upton Scott, and Thomas Hyde) went to the Assembly for authority to restart the project of building a new church. At least two subscriptions to raise money from the public were authorized and by 1792 plans were made in earnest to begin construction. It should be noted that supplies originally procured for construction that were stored on site, disappeared during the war. Some were used for the war effort. Others were taken for construction projects on the property of a few churchmen (Paca and Charles Carroll included). In 1790, these individuals eventually repaid the church for the supplies. The new church was consecrated on November 24, 1792 by Rev. Thomas J. Claggett.

The turmoil and "days of darkness" at Saint Anne's were also behind the Parish. The new church was built, a rector was in place, and the vestry was now meeting regularly.

## The Vestry Act of 1798

As time passed, the vestries wanted to make more improvements to the system created by the Act for the Establishment of Select Vestries of 1779. As a result, The Vestry Act of 1798 was passed by the Maryland Legislature. Its preamble cites problems with the earlier 1779 Acts.

Whereas it is represented to this general assembly, that the act for the establishment of select vestries, and the supplements thereto, are inadequate to the exigencies of the protestant Episcopal church in this state, for which the acts were intended to provide;

Apparently, the legislators with the help of church leaders got this one right because but for a few minor changes or amendments since 1798, The Vestry Act of 1798 remained effective Maryland law (with some minor and subsequent amendments for about 150 years) when it was repealed and updated. As a foundation it remains intact even today.

The full text of the Act is included in the Appendix. Here is a summary of its provisions:

## Preamble

### Prior Acts inadequate

1. How vestries are to be chosen
  - a. Who is qualified to vote
    - i. Qualified active member of the parish
  - b. When and where vote held
    - i. Each Monday after Easter at the local parish
  - c. How many members of the vestry
    - i. Eight, to be chosen from the qualified active member voters.
  - d. The rector of the parish shall always be a member of the vestry.
2. Duties of the Registrar
  - a. Enroll members on the books of the parish
  - b. Demand and receive fee for every enrollment
3. Filling vacancies on the Vestry
4. Vestrymen and the election process
  - a. Vestrymen will judge the election, and
  - b. Judge the qualification of voters, and
  - c. Judge the qualification of parishioners proposed as vestrymen
5. Oath of support and fidelity for every person chosen as a vestryman
6. Vestry Meetings
  - a. Time and place
  - b. Majority of quorum required for votes
  - c. Due notice of meetings
7. Rector shall preside over meetings
  - a. Collect the votes
8. Church Property
  - a. As trustees vestry shall hold title in fee simple for all parish property.
  - b. Vestry shall manage and direct all such property
9. Rector penalties for waste
10. Choosing churchwardens
  - a. Number (2)
  - b. Persons qualified
  - c. Oath
11. Churchwardens to keep the peace
12. Elections for vestrymen (if primary plan is missed)
13. Churchwardens chosen (if primary plan is missed)
14. Authority of vestry to choose ministers.
15. Who is chosen to be Rector
16. Lawful for vestry to take in subscriptions.
17. Vestry to appoint a Registrar.
18. Duty of Registrar.

19. Baptisms and other services to be communicated.
  - a. For services outside of home parish
20. Penalties for failure to communicate Baptisms and other services
21. Registrar to have records of all baptisms, marriages, etc. for his parish
22. Penalties on vestry for failure to appoint a Registrar.
23. Rector to call special meetings of the vestry.
24. Penalty for vestrymen failing to appear at such special meetings.
25. Penalty for vestrymen refusing to serve.
26. How fines and penalties to be recovered.
27. Vestrymen incorporated
  - a. “.. 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 The Vestry of the parish to which they severally belong..”.
28. No vestry shall sell their estates without
  - a. The consent of at least five of their body
  - b. The consent of both churchwardens
  - c. And in the case there be no rector, then the consent of the bishop of the state.
29. No vestry shall apply the principal arising from the sale to debts connected with their minister.
30. Nothing herein shall be construed to prevent the vestry of the parish from buying property.
31. The vestry of every parish shall be able and capable in law to sue and be sued.
32. The Convention of the Protestant Episcopal Church in this state can divide or unite parishes, as occasion may require.
33. Repeal of the Act to Establish the Vestry of 1779 and all the supplementary acts thereto.

It is clear that with the passage of this Act, the governance of Protestant Episcopal Church of Maryland was set down. Therefore, parishes that were already established now had functional vestries, clear ownership of the properties and a definitive form of governance.

#### Evolution of the Vestry Act of 1798

The Vestry Act of 1798 was amended several times over the next 150 years. The following Amendments were made to improve and contemporize the Act:

1. Chapter 189 of the Acts of 1823
  - a. A supplement to the act for the establishment of Vestries for each Parish in this State.
  - b. Whereas, the act to which this is a supplement does not provide for the election of a vestry in any parish, in which there may not be persons enrolled as in that act is directed, therefore,
  - c. Sec. 1. Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall and may be lawful for any two or more members of the protestant Episcopal church, in any parish in this state, in which there shall be no vestry, to call a meeting of the members of said church at the parish church, or if there shall be no parish church, at any convenient place in such parish, first giving ten days notice of the time and place of such meeting by advertisement in writing set up at the most public places in such parish, and the members of said church when so convened shall have power to elect a chairman and secretary, the former to preside at such meeting, and to determine who of the members convened shall be entitled to vote, and the latter to record or take minutes of the

proceedings, and the said meeting shall thereupon elect by ballot eight of the most religious and intelligent members of such church as vestrymen.

d. 2. And be it enacted, That the persons so elected shall within ten days after their election, or as soon thereafter as practicable, meet and qualify in the manner now prescribed for other vestrymen, and shall thereafter be considered the vestry of such parish until the next Easter Monday, and as such shall have power to elect church wardens and a register and to do all other acts which the vestries can lawfully do.

#### 2. Chapter 20 of the Acts of 1827

a. A supplement to the act, entitled, An Act for the Establishment of Vestries for each Parish in this State.

b. WHEREAS, experience has shown that associated Rectorships, as provided for by the sixteenth section of the act to

which this is a supplement, are not in all cases expedient.

c. Be it therefore enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall and

may be lawful for the vestry of any parish or church or united churches or congregations within this state, where the ministrations of two or more clergymen may be deemed necessary or convenient, to elect and call such clergymen or any of them, either as rector, associate minister, or assistant minister, or by such other appellation as said vestry may think advisable, and designate the powers and duties to be exercised and discharged by such clergymen or any of them.

#### 3. Chapter 136 of the Acts of 1828

a. Sec. 3. And be it enacted, That in future the vestries of the Protestant Episcopal Church in this state shall not be

obliged to meet on any stated days, or at any particular place, but only at such times and places as they may find

most convenient; and 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.

#### 4. Chapter 196 of the Acts of 1833

a. WHEREAS, by the act to which this is a supplement, passed at November session, seventeen hundred and ninety-

eight, chapter twenty-four, the registers of Parishes are authorized to give certificates of the entry of any birth, mar-

riage or burial entered in the register books of their respective parishes, under the hand of such register, and with

the common seal of such vestry annexed thereto, which shall be received in evidence in all courts of justice within

this state;

b. AND WHEREAS, many of the vestries have neglected to procure a common seal — Therefore, Be it enacted by the General Assembly of Maryland, That wherever the vestry of any Parish has neglected to procure a common seal, and until such common seal be procured, the register of such Parish is authorized

to give a certificate of the entry of any birth, marriage or burial entered in the books of said vestry, under the hand of such register, 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 register 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 register of such parish is in fact the register as stated, and that the said certificate was subscribed by said register.

5. Chapter 50 of the Acts of 1922

a. AN ACT to extend the franchise in the Parishes and Separate Congregations of the Protestant Episcopal Church in the State of Maryland.

b. SECTION 1. Be it enacted by the General Assembly of Maryland: that on the petition of the Vestry of any Parish or separate Congregation of the Protestant Episcopal Church in the State of Maryland, the Convention of Diocese with which said Parish or Separate Congregation is in union is hereby authorized and empowered to give the same right to women to vote and hold office as is now conferred upon men by existing laws.

6. Chapter 498 of the Acts of 1945

a. SECTION 1. Be it enacted by the General Assembly of Maryland, That any Parish within the Convention of the Protestant Episcopal Church of the Diocese of Washington now existing or hereafter organized in the Maryland Counties of Montgomery, Prince George's, Charles and St. Mary's, is hereby authorized, by a vote of the majority of its qualified voters at any Parish meeting to provide (a) that the Wardens of such Parish shall be elected in the same manner as Vestrymen, and be members of the Vestry, and (b) that residence within the limits of the Parish shall no longer be prescribed as a qualification for voting at Parish elections or other business meetings of the Parish, or for holding office in the same.

7. Chapter 711 of the Acts of 1949

a. AN ACT to authorize the parishes and separate congregations of the Protestant Episcopal Church in the State of Maryland to establish by-laws governing election of their vestrymen as an alternate method to the provisions of Chapter 24 of the Acts of the General Assembly of Maryland, session of November, 1798, known as the Vestry Act of 1798.

b. SECTION 1. Be it enacted by the General Assembly of Maryland, That the parishes and separate congregations of the Protestant Episcopal Church in the State of Maryland may by by-laws provide for 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.

c. SEC. 2. And be it further enacted, That any by-laws adopted as authorized by this Act 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.

d. SEC. 3. And be it further enacted, That the provisions of this Act shall not become effective unless and until any con-

gregation or parish shall have first by resolution adopted and declared its intention of electing to avail itself of the

provisions of this Act and that this Act is expressly declared to provide for an alternate authority for the election of

vestries and not intended to repeal any portions of the Vestry Act of 1798, enacted as Chapter 24 of the General Assembly

of Maryland, session of November, 1798.

e. SEC. 4. And be it further enacted, That this Act shall take effect June 1, 1949.

When examining these amendments it is evident that the changes to the Vestry Act of 1798 were minimal except for the 1922 amendment allowing women to vote and hold office, and the 1949 amendment allowing each individual parish to establish by-laws governing the election of vestrymen.

There were other changes worth noting subsequent to the passage of the original Vestry Act of 1798.

These relate to the Diocesan organization in Maryland. First, the Convention of the Protestant Episcopal Church of the Diocese of Maryland was incorporated by Chapter 67 of the Acts of 1840 and amended by Chapter 17 of the Acts of 1856 and Chapter 87 of the Acts of 1937, and by Chapter 403 of the Acts of 1878. Second, by authority of the Convention in 1867, the Maryland Diocese, which originally included all of the Protestant Episcopal Churches in the State, was subdivided, first in 1867 by creation of a new Diocese known as the Diocese of Easton (to include the Protestant Episcopal Churches in nine Counties on the Eastern Shore of Maryland lying east of the Chesapeake Bay and of the Susquehanna River); and in 1896, by creation of another new Diocese known as the Diocese of Washington (to include the Protestant Episcopal Churches within the four Maryland Counties of Prince George's, St. Mary's, Charles and Montgomery). As to ecclesiastical matters, the Churches in the several Dioceses are now governed by the canons of their Diocese and of the Protestant Episcopal Church of the United States of America, but with respect solely to secular matters, the Vestries of all of said Churches within the State of Maryland, as corporate bodies, are subject to the laws of the State.

In 1951 a Revised Vestry Act was signed into Law by the Maryland General Assembly and became effective in June of that year. The new Act liberalized and modernized the original Vestry Act of 1798 together with its several amendments as shown above. The new Law was called for by the Maryland Diocesan Convention of 1951, as a result of much work done by the Diocese of Maryland's Permanent Committee on the Vestry Act. Three major changes were proposed:

1. Greater power given to congregational meetings of the parishes to adopt by-laws which will give those parishes a greater measure of self-governance.
2. If women are eligible to vote in vestry elections in a parish, they are given the right to hold office.
3. Eliminates the "hiring and firing" clause which for more than a century and a half empowered vestries to employ or dismiss clergymen at will.

Strong objections to the elimination of the "hiring and firing" clause by the Diocese of Easton and the Diocese of Washington resulted in this Revised Vestry Act of 1951 being applicable only to the Diocese of Maryland.

At Saint Anne's, significant attention was given to changes regarding the eligibility of women to hold office on the Vestry. On May 8, 1951, Rev. Dr. C. Edward Berger Rector of St. Anne's addressed the Women's Association (St. Martha's Chapter) at the church on the New Vestry Act. In 1952, Saint Anne's amended its by-laws to give women voting status. However, it wasn't until 1965, that the parish allowed a woman to serve on the Vestry (Mrs. Eliot P.Y. (Shirley) Powell).

#### By-Laws of Saint Anne's Parish

With the Maryland Acts of 1949 and 1951 which allowed parishes of the Protestant Episcopal Church in the State of Maryland to adopt their own by-laws, Saint Anne's Parish finally did so in on April 12, 1953. Heretofore, Saint Anne's was guided by the Vestry Act and custom (past practice) for governing the affairs of the parish. Unfortunately, custom depended on memory and few people knew the provisions of the Vestry Act.

While the new by-laws were specific to St. Anne's including the mission of the whole parish as well as job descriptions of the officers and vestrymen, the foundation remained relatively consistent with the Vestry Act as it evolved over 150 years. Saint Anne's was evolving with a very traditional form of self governance. The By-Laws of Saint Anne's Parish in Ann Arundel County, Incorporated were published in a booklet, which included A Short History of the Parish by Walter B. Norris. The Preamble of the by-laws begins with "We the people of Saint Anne's Parish...." and lays out the purpose or mission of the church. Next, come the Articles as follows:

- I. Name
- II. Membership
  - a. Ordinary Members
  - b. Voting Members
  - c. Annual Meetings
  - d. Special Meetings
  - e. Notice and Place of Meetings
- III. The Vestry
  - a. Eligibility
  - b. Number and Classification
  - c. Nominations
  - d. Election
  - e. Oaths
  - f. Organization
  - g. Meetings

h. Duties and Powers

i. Vacancies in the Vestry

IV. Duties and Powers of Officers

a. The Rector

b. The Wardens

c. The Registrar

d. The Treasurer

V. Other Officers and Committees

VI. Amendment of By-Laws

Comparing these articles with those of the Original Vestry Act on pages 7 and 8 of this document and with the entire Act in the Appendix shows similarity, at least in structure, and reflects the overall influence of The Act.

Now, it is also in the provisions relating to Amendment to the By-Laws, where the influence of Vestry Act of 1798 is included in Saint Anne's traditional approach:

"These By-Laws, except quotations or paraphrases of the Constitution and Canons of the Protestant Episcopal Church in the United States of America, the Constitution and Canons of the Convention of the Protestant Episcopal Church of the Diocese of Maryland and the Vestry Act of 1798 as amended, may be altered, amended, repealed or added to by the Voting Members of St. Anne's Parish..."

In sum, it is evident that the By-Laws of Saint Anne's were and are substantially influenced by The Vestry Act of 1798. This law, as it evolved and was improved over the years became a solid, time-proven foundation for church governance to the present day.

Conclusion

As we have seen, the system of using a vestry to administer the affairs of local parishes has a long history in the Anglican and Episcopal Churches. That system was brought to America in colonial times by the English settlers. In 1702, with the adoption of An Act for the Establishment of Religious Worship in this Province, the vestry system was formalized in Maryland.

A consistently strong and politically influential vestry at Saint Anne's Church in Annapolis before and after the American Revolution certainly had an important role in the continued evolution of the Protestant Episcopal Church in Maryland. Their Influence on, and support of, the 1776 Maryland Bill of Rights, the Maryland Constitution, the Act for the Establishment of Select Vestries of 1779, and the Vestry Act of 1798 established the governance of the church. Subsequent amendments to The Vestry Act contemporized church governance to changing times,. The most notable amendment allowed for the enactment of individual parish by-laws.

The creation of parish by-laws has resulted in some diversity in governance while maintaining adherence to the bedrock core foundation of the Act. Finally, the strong principles of our country's Constitution and Bill of Rights that are evident in the Act, have evolved into the church's democratic, decentralized style of governance that includes clergy and lay people at the parish level, as well as authorities and conferences at the diocesan and national levels.

Appendix

THE VESTRY ACT OF 1798

C H A P. XXIV.

An ACT for the establishment of vestries for each parish in this state.

(Preamble)

WHEREAS it is represented to this general assembly, that the act for the establishment of select vestries, and the supplements thereto are inadequate to the exigencies of the protestant Episcopal church in this state, for which the said acts were intended to provide.

(How vestries are to be chosen)

II. BE IT ENACTED, by the General Assembly of Maryland, That vestries shall be chosen for each parish within this state in the following manner: Every free white male citizen of this state above twenty-one years of age, resident of the parish where he offers to vote six months next preceding the day of election, who shall have been entered on the books of the said parish one month at least preceding the day of election as a member of the protestant Episcopal church, and who shall also contribute to the charges of the said parish in which he offers to vote such sum as a majority of the vestry in each parish shall annually, within ten days after their election, in writing, make known and declare, not exceeding two dollars, shall have a right of suffrage in the election of vestrymen for such parish; and all persons so qualified shall, on the next ensuing Easter Monday, assemble in their respective parishes, at their parish church, or if there shall be two or more protestant Episcopal churches in any parish, at the church first built therein, or if there be in any parish no such church, then at such other places the rector of the parish, or if there be no rector, as any three or more vestrymen, may have publically notified to the parishioners and the said persons, so qualified to vote, when assembled, or such of them as may assemble in each parish, shall proceed, by a majority of votes, to elect, by ballot, eight vestrymen from among the persons qualified to vote, who with the rector of the parish for the time being, shall be deemed and considered the vestry of the parish for the ensuing year, and the rector of the parish shall always be one of the vestry.

(Register to enroll persons)

III. AND BE IT ENACTED, That the register 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, under the penalty of eight dollars, and he shall be authorized to demand and receive the sum of six cents for each and every such enrolment.

(How vacancies are to be filled)

IV. AND, to perpetuate the vestry in each parish BE IT ENACTED, That on refusal to serve, resignation, death, or removal from the parish with a view to reside elsewhere, or on legal different charge from serving, or any other disqualification of any person chosen a vestryman, the rector, (if any,) or if no rector, any two of the vestry, or of those persons who last possessed the powers of vestrymen, shall, with all convenient speed, appoint a general meeting of the parishioners entitled to suffrage as aforesaid, at the parish church or elsewhere, as hereinbefore mentioned; and at such meeting, such of them as shall assemble shall proceed, by a majority of votes, to fill up such vacancy or vacancies from among the persons qualified to vote, as herein before provided and on every Easter Monday for ever, after the first election as herein before directed, the parishioners entitled to suffrage shall assemble, as herein before prescribed, and they, or such of them as may assemble, shall, by a majority of votes, put out four of the eight vestrymen whom they , and shall immediately thereafter elect, by ballot, four vestrymen from among the persons qualified to vote, including those whom they have voted out, all or any of whom they may re-elect, and such persons

so chosen, with the remaining vestrymen and the rector, shall be the vestry for the ensuing year.

(Vestrymen to judge of elections)

V. AND BE IT ENACTED, That the vestrymen of each parish or a majority of those who shall attend, shall judge of the election of vestrymen, and of the qualification of voters, and of the qualification of the parishioners proposed to be elected as vestrymen.

(Oaths to be taken)

VI. AND BE IT ENACTED, 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, favor or affection, according to the best of my skill and knowledge;" which oaths and declarations any justice of the peace, or any vestryman present, may administer and take.

(Days on which vestries are to be held)

VII. AND BE IT ENACTED, That the first Monday in February, May, August and November, in each year, shall be the days on which a vestry shall be held in every parish, at eleven o'clock in the forenoon, at the place at which vestry elections are directed by this act to be held, without any notice given thereof, and every vestry may also hold adjourned or special meetings at such times and places as they may agree upon; at any which time or place, any four vestrymen, together with the rector, if he shall attend, if not, any four without him, shall be a sufficient quorum for the transaction of any business whatever, which they are authorized to do by this

act, and whatsoever shall be thus done by a majority of such quorum, or of the members attending, if more than above directed, shall be valid and obligatory as if done by the whole vestry, provided always, that due notice of all adjourned and special meetings shall be given to all the members of the vestry.

(Rector to preside)

VIII. AND BE IT ENACTED, That the rector of each parish for the time being shall preside in the vestry, collect the votes, and shall, upon an equal division of those present, have a vote, except in cases in which he is in any manner particularly interested, and he shall have, except he may otherwise contract with the vestry, the possession, occupation and free use of all the Glebe-lands, houses, ground-rents, books and other property, belonging to his parish, and is entitled to the benefit thereof during the time he shall officiate therein as rector.

(Vestry to have an estate in all churches)

IX. AND BE IT ENACTED, That 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 the 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, plates and other ornaments belonging to said churches and chapels, or any of them.

(Penalty on the rector for waste)

X. AND BE IT ENACTED, That if any rector shall commit any waste on any glebe-land, or other land belonging to the vestry of his parish, or if he shall do any injury to his parsonage, or to his parish library, he shall be liable to pay treble damages, to be recovered of him by the vestry in their corporate name, in the same manner as if he was not one of the vestry.

(Churchwardens to be chosen)

XI. AND BE IT ENACTED, That on every Easter Monday, immediately after the election of Vestrymen, the vestry shall proceed to choose from among the persons qualified to vote, two sober, discreet and pious persons, to be churchwardens for the ensuing year, and before they act as such, they shall take and subscribe the oath of fidelity, and make and subscribe the declaration herein before prescribed to be taken by vestrymen, and also an oath, that they will faithfully discharge the duties of a churchwarden.

XII. AND BE IT ENACTED, That every churchwarden shall have power to keep the peace, and also preserve order and decency in his respective church or chapels; and it shall be lawful for any churchwarden to apprehend any person guilty of any breach of the peace, or of any disorderly conduct, or of making a noise in any church or chapel, or in the church or chapel-yard, or other enclosure, so as to disturb the congregation, and to turn such person out of the church, chapel yard, or other enclosure thereto belonging; and it shall be the duty of any person (who may be called upon), to assist the churchwarden in the before mentioned duties.

(Elections for vestrymen may be held at any time)

XIII. AND BE IT ENACTED, That if, from any cause whatever, those persons qualified, to vote in any parish should suffer Easter Monday to elapse without any election of vestrymen, then the said election may be held on any other day appointed for the purpose, at any time after, although it may be in any subsequent year, of which day notice shall be given by the rector (if any) in his church immediately after divine service, on two succeeding Sundays, and if no rector, by any two vestrymen, or of those persons who left possessed the powers of vestrymen, by writing set up the door of the church ten days before the day of meeting.

(Churchwardens may be chosen)

XIV. AND BE IT ENACTED, If churchwardens should not from any cause be chosen by the vestry on the day of the election of vestrymen, it shall and may be lawful to choose them at any subsequent meeting of the vestry, and such elections shall be held valid and obligatory.

(Vestry may choose ministers)

XV. AND BE IT ENACTED, That 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 parsonage house, 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.

(If only one, to be called rector)

XVI. AND BE IT ENACTED. That if only one minister shall be chosen for any parish, he shall be called the rector thereof, but where two or more ministers shall be chosen of the same order in the ministry, they shall be called associated rectors of such parish, and shall reside in the vestry by rotation; and in any parish in which there shall at any time be more than one minister regularly settled, and either of them of superior order in the ministry, such superior minister shall have the sole right of presiding in the vestry, and be called the rector thereof, and the other or others shall be called associated ministers of such parish.

(Vestry may take in subscriptions)

XVII. And be it enacted, 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 so to do.

(And provide a register)

XVIII. And be it enacted, That the vestry of every parish shall be and they are hereby obliged to provide a fit person as

register of their parish, whose duty it shall be to keep true and fair entries of the proceedings of such vestry in the execution

of their trust, which register also shall, before he acts as such, take and subscribe the oath of fidelity herein before mentioned,

(unless he shall have before taken such oath,) and make and subscribe a declaration of his belief in the Christian religion, as

also take an oath for the due and faithful execution of the duties of his office, to be administered as herein before directed.

(His duty)

XIX. And be it enacted, That it shall be the duty of the said register to enter in a book provided for the purpose, all

baptisms, marriages and funerals, of free persons in the parish by any minister of the Protestant Episcopal church, and which

may be known to him by any of the said ministers or vestrymen of the parish ; and it shall also be the duty of the said

register, in the entry of baptisms, to insert the Christian names of the persons baptized, the Christian and surnames of the

parents, with the dates of the baptisms and births of the persons baptized, and in the entry of marriages and burials to

insert the times of the celebration, and the Christian and surnames of the persons married, and the persons buried ; and it

shall be the duty of the minister or ministers of every parish, to take care that the said register be made acquainted with all

the baptisms, marriages and burials, celebrated by him or them in the parish.

(Baptisms, & etc. to be communicated)

XX. And be it enacted. That if any minister of the Protestant Episcopal church shall celebrate any baptism, marriage or burial, in any parish in which he may not be a settled minister, he is hereby required to communicate it to the rector, or some one of the vestry, of the parish, who shall communicate it to the register of said parish.

(Penalty on the minister)

XXI. And be it enacted, That if any minister or vestryman shall fail in the duties herein respectively assigned them,

or if any register shall refuse or neglect to enter any baptism, marriage or burial, so made known to him, the person offending

shall forfeit eight dollars for every such offence.

(Register to have custody of all baptisms, & etc.)

XXII. And be it enacted, That the register of every parish shall have the custody of all registers of baptisms, marriages

and burials, belonging to his parish, and he is hereby obliged to show any person or persons reasonably desiring it any such

register, or give a certificate of the entry of any birth, marriage or burial, entered therein, which may be desired of him, and

such certificate under the hand of such register, and with the common seal of such vestry annexed thereto, shall be received

in evidence in all courts of justice within this state; and for every search which may be required, he shall be entitled to

twenty-five cents, and for every certificate as aforesaid, he shall be entitled to twenty-five cents, nor shall he be obliged to make

a search, or give a certificate, until he shall have been paid the reward before allowed.

(Penalty on vestry for neglect)

XXIII. And be it enacted, That if any vestry shall neglect or refuse to appoint a register for their parish, or to provide him

with such good and substantial books as the execution of the duties herein committed to him may require, the individual

vestrymen who shall vote against going into the appointment of a person to fill the office of a register, or who shall refuse to

vote on the question of said appointment, or against the provision of good substantial books as aforesaid, shall forfeit and

pay the sum of five dollars each for every time he shall offend, or vote as aforesaid, the said fine to be recovered before a single

magistrate ; provided always, that the vestrymen, so offending, may in all cases allege, before said magistrate, such excuse or

excuses, as he may think sufficient to relieve him from the payment of the fine as aforesaid.

(Rector to call special meetings)

XXIV. And be it enacted, That whenever special meetings of the vestry shall be necessary, the rector shall call them, but

if there be no rector, or if he shall be absent, or refuse or neglect to call a meeting, then any two of the vestry, agreeing

so to do, may summon a special vestry.

(Penalty for not attending)

XXV. And, the better to secure the attendance of members of the vestry. Be it enacted, that no vestryman shall absent

himself from any stated meeting, or from special or adjourned meeting, of which he was duly notified, without such excuse

as the rest of the vestry will allow, under a penalty not less than two, or exceeding eight dollars.

(And for refusing to serve)

XXVI. And be it enacted, That if any person elected a vestryman, agreeably to this act, shall, after convenient notice

given him by the register of the parish, who is hereby required to give him such notice under the penalty of twenty dollars,

refuse to serve as a vestryman, according to the provisions herein made, without alleging such an excuse as the residue of

the vestry will allow, unless he shall have heretofore served two years, or been voted out at a former vestry election, or if any

person elected a churchwarden, who has not before served in that office within the last three years, shall, after the same

notice, refuse to serve as such, or having been qualified, shall retire from his office without the consent of the vestry, before

the time for which he was elected shall have expired, unless he shall have been disqualified for remaining a churchwarden, the

former shall forfeit twenty dollars, and the latter ten dollars.

(How fines are to be recovered)

XXVII. And be it enacted, that all fines and penalties by this act imposed shall be recoverable before any justice of the

peace, and applied to the use of the parish in such manner as the vestry may direct.

(Vestrymen incorporated)

XXVIII. And be it enacted, That 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, bodies 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; provided, that the clear yearly value of the estate of any vestry, (exclusive of the rents of pews, collections in churches, funeral charges, and the like,) shall not exceed two thousand dollars.

(No vestry to sell their estates)

XXIX. And be it enacted, That 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.

(Or apply the principal)

XXX. And be it enacted, That no vestry shall apply any of the principal of the money arising from the sales of any of the estates or property aforesaid towards any debt or debts contracted with their minister on account of his official duties.

(Not to prevent the vestry from buying)

XXXI. And be it enacted. That nothing herein before contained shall be construed to prevent the vestry of any parish from buying at any time a lot of land, not exceeding two acres, for a burial-ground, or a site for a church or parsonage-house, or from selling or renting the pews of their churches or chapels, provided in so doing the said vestry shall not interfere with any existing right or title in any person to any pew or pews.

(Vestry may sue)

XXXII. And be it enacted, That 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 that 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.

(Convention may divide parishes)

XXXIII. And be it enacted, That 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 such new parishes shall be chosen as herein before 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 the members of

the Protestant Episcopal Church, qualified to vote for vestrymen, residing in any parish, or part or parts of a parish or

parishes, proposed to be added to any new parish or parishes, or to be constituted into a new parish, shall consent thereto

Acts repealed

XXXIV. And be it enacted, That immediately after the election of vestrymen on the next ensuing Easter Monday, as herein

before directed, the act (March, 1779, chapter 9) entitled, an Act for the Establishment of Select Vestries, and all the supplementary acts thereto, shall be and hereby are repealed

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