U.S. Supreme Court

Presbyterian Church v. Hull Church, 393 U.S. 440 (1969)

Presbyterian Church in United States v.

Mary Elizabeth Blue Hull Memorial Presbyterian Church

No. 71

Argued December 9-10, 1968

Decided January 27, 1969

393 U.S. 440

*CERTIORARI TO THE SUPREME COURT OF GEORGIA*

# Syllabus

Respondents, two local churches, voted to withdraw from petitioner general church with which they had had a doctrinal dispute and to reconstitute themselves as an autonomous religious organization. A church tribunal proceeded to take over respondents' property on behalf of the general church. Respondents, without appealing to higher church tribunals, sued in the Georgia state court to enjoin the general church from trespassing on the disputed property. The general church moved to dismiss, and cross-claimed for injunctive relief on the ground that civil courts had no power to determine whether the general church had departed from its tenets of faith and practice. The motion to dismiss was denied, and the case was submitted to the jury on the theory that Georgia law implies a trust of local church property for the benefit of the general church on condition that the general church adhere to doctrinal tenets existing at the time of affiliation by the local churches. The jury, having been instructed to determine whether the general church's actions were a substantial abandonment of its original doctrines, returned a verdict for respondents; the trial judge issued an injunction against the general church; and the Georgia Supreme Court affirmed.

*Held:* Civil courts cannot, consistently with First Amendment principles, determine ecclesiastical questions in resolving property disputes; and since the "departure from doctrine" element of Georgia's implied trust theory requires civil courts to weigh the significance and meaning of religious doctrines, it can play no role in judicial proceedings. Pp. 393 U. S. 445-452.

224 Ga. 61, 159 S.E.2d 690, reversed and remanded. **[p. 441]**