

from the Signification it must necessarily bear to make different Clauses of this very Act consistent.

I make use of the word *present* in Compliance with the Act, but Strictly Speaking the Churches in Maryland are not presentative but Donative a Donation once made creates as Lasting a right as Institution or Induction both the Clerk and Church being exempt from Ordinary Jurisdiction Cookes Inst. 344.

The Restriction with Respect to Pluralities made in the third Clause of the Act of Assembly is Conformable to the Canons of the Church, and the Statute Law of the Kingdom of England.

By a Canon made in the Council of Lateran holden under Pope Innocent the 3^d in the year 1215 it is Ordained,

“That whosoever shall take any Benefice with Cure of Souls, if he before shall have obtained a Like Benefice shall *ipso Jure* be deprived thereof, and if he shall Contend to Retain the same he shall be deprived of the other, and the patron of the former, immediately after his Accepting the Latter shall Bestow the same on whom he shall think worthy. Hughes. 16. Gibbs 903.

And Legatine Constitutions to the same Purport were made and Published in England, in the Times of the Legate of Gregory the 9th and of Othobon afterwards Pope Adrian the 5th who was Legate to Clement the fourth, as well as Provincial Institutes to the Same Effect by Several Arch Bishops. all which Canons and Constitutions were not however intended to hinder or take away Pluralities, but to render Dispensations necessary, for a Clerk was allowed to hold as many Dignities or Benefices as he Could get with the Pope's dispensation which was easily obtained from his Legate or Nuncio on paying the Sums Required. Burns Ecc. Law.

Notwithstanding this Canon a Latitude is allow'd to parsons To hold two Livings under £8 a year in the King's Books without a Dispensation, as not falling under the Subsequent Clause of 21. H. 8. C. 13. that is all but the last are voidable at the will of the Patron & Bishop, *ipso Jure*, but not *ipso facto*, void and this Advantage is Seldom taken against the Parson. A similar Usage has prevailed in this Province. The Rectors of S^t Anns have for many years in several Instances held the Rectory thereof together with an Appointment to another Parish which Appointment being voidable at the Will of the Ordinary, does not annul the Induction

And these Precedents, in which the Practice and Custom of the Church in England and Maryland so nearely Coincide, must have their Weight.

Pluralities were further restrained by the Statute of 21. H. 8. C. 18.