

appears irrefragable at least it never Can be invalidated but by Act of Parliament which at once Strips the King and the Proprietary This being a part of the Prerogative which no Act of Assembly ever can affect.

The second mode by which Plurality of Parishes is tenable in Maryland Is set forth in the 16th Clause of Act of 1701/2

“And to the Intent that this Act may answer the Ends of The Makers which is, that his Majesty’s good Subjects in this Province may be instructed in Religion and therein of their Duty to God, his Majesty & themselves, and those pious and exemplary Persons that Labour therein may be suitably provided for. Be it Enacted that no Minister Nor Incumbent shall hold more than two Parishes, nor two, unless by the Desire or Agreement of the Vestry of the said Adjacent Parish, and Consent of the Vestry where he resides and Appointment of the Ordinary.

The first Reason Assign’d for the Enacting this Clause is for the Benefit of the People, that they may be instructed in Religion. The second Reason given is for the Benefit of the Ministers. That they may be Suitably provided for both which Causes co:operating induced the Legislature to Give Licence to one Minister to hold two Parishes, and this is directed to take Place by the desire and Agreement of the Vestry of the Adjacent Parish and Consent of the Vestry where he resides, and Appointment of the Ordinary. And from the Tenor of the whole Clause it is Clear that the Intention of the Legislature, was that one Minister should hold officiate and do duty in both Parishes himself.

This Clause is calculated for the Infancy of a Colony, where there Being a Deficiency of Clergy, Vacant Parishes may have the Assistance of the Minister of a neighbouring Parish to preach to them and perform from time other necessary Ministerial offices. The method Pointed out by which this is to be effected is by Desire or petition. They Petition the Ordinary to appoint such a Minister and they ask the Consent of the Vestry of the Parish where he resides, to spare their Minister now and then as Convenience might suit for those purposes. Such Consent was thought necessary as it was a favour granted by one Parish to another To Lend the Assistance of their Minister (the Service of his own Church Being then Omitted) and Likewise a Benefit to the Minister by giving him a Title to the Additional Income of the other Parish and the Appointment of the Ordinary ratified the whole.

A Petition presupposes an Absence of Right. Where there is a Right there need be no Petition for the Law never gives a Right without a Remedy. If a Vestry in this Case