

know on this subject, & others I would consult if the time permitted) that your Excellency will take into consideration the great cruelty, Hardship, & Severity of the said Bill; which your Excellency may be the more inclined to do from a Consideration of the Dangers & Perils & ill treatment which the Clergy (at least the most part of them) meet with at present.

People who review the oppressions & Cruelties of the Star Chamber & High Commission, would not unless extremely prejudiced, think of establishing such a Commission in Maryland for tho whilst your Excellency presides, the Clergy may expect the fairest & most impartial Proceeding, yet when I consider those Persons that may be probably be joined with you I cannot reflect upon it without Horror who will by their violent tempers be carried where others corrupt & violent as themselves have been carried before as it is alledged 16 Car. 1 C. 10—of the Star Chamber—that they had exceeded the bounds which the law had given them, in these words; But the said Judges have not kept themselves to the points limited by the said Statute, but have undertaken to punish where no Law doth warrant and to make Decrees for things having no such authority; & to inflict heavier punishm^{ts} than by any Law is warranted. And then Cap. 11. enacts that the clause authorizing the High Commission or such like Court shall from henceforth be repealed, annulled, revoked annihilated & made void for ever. So that a general Exception, according to Fleta, will lie against the Jurisdiction of a court, which is allowed to be made to those quibus deficit autoritas Judicandi. Mr Hamersley's opinion in this matter will be clearly set forth by the following postscript of a Letter dated 20 July 1767.

If a Commissary be wanting let it first move from the Gentlemen of Distinction or the Province, & I am persuaded his Ld^{ship} will not be backward in complying with their advice & desires. And is not the Governor as Ordinary invested with all necessary powers to regulate abuses? If your Excellency be not by your Commission invested with a power of correcting abuses in these matters, no act of Assembly can confer it. It is, says a writer, an essential doctrine of the church of Christ, that none can have any authority therein but those who derive it from Christ mediately or immediately; those who receive it mediately must derive it from those persons whom it has authoriz'd to convey it, & they must receive it by regular Succession. So that in this view a Bishop's Jurisdiction is the only one admissible.

I am &c. B. Allen