

Lib. C. B. and he was driven to bring Suit on the Sheriff's Bond, but at
 No. 20 length the Vestry gave the Matter up. I have been the fuller
 in relating the Circumstances of Whitaker's Case, because as
 there were some doubts at the time concerning the Propriety
 of the Court's Determination, perhaps they may be applied to
 other than the point on which they really arose.

I have understood that the Vestry Claim the Right of Patronage, contending that the Church was founded at the Expence of the Parishioners, and endowed in the same manner and that the Vestry as their Representatives are therefore the Patrons. It is true that it occurs in many of the Treatises on the Canon Law, and what will have more weight in Co: Litt: 119: 6. that the Right of Presentation was first gained by such as were Founders, Benefactors or Maintainers of the Church Viz. Ratione Foundationis, Donationis, sive Ratione Fundi, but how, on any of these Grounds, the Vestry can support their Pretension is not to be well conceived.

By the Charter of the Province the Patronages and Advowsons of all Churches were expressly granted to Lord Baltimore. This Grant, without doubt, did not authorize his Lordship to lay a Tax upon the People for the support of the Clergy, and the Claims once set up by M^r Henderson, that the Clergy were intitled to Tithes before the Act, that the Act was only to be considered as a Modus decimandi, that the Canon Laws in their full Extent, obtained here, and the Consequences He drew in Support of the Jurisdiction of the Bishop of London, and his Authority as his Commissary have been so effectually exposed, that there is little Danger to the Laity from such strange Notions. By our Act of Assembly a regular support of the Clergy has been provided by a Tax upon the People. They who laid the Tax, without Question, could apply it in what manner, and upon what Terms they thought fit, how therefore it shall be applied must depend upon the Will of those who laid it, and this Will is to be inferred from the words used to signify it, for as it is clear that a Tax could not be laid for the purpose without the People's Consent, so is it clear that it must be applied according to the directions of the Act, because an assertion, that the application may be different from the Legislative will, if at all considered, will be found to be reducible to the absurd Position, that the Tax might be laid without the Legislative Authority. Laying therefore aside what is impertinent to the Subject the Consideration of the Canon or ecclesiastical Law, it will appear, on a little calm Reflection, that they on whom the Tax is laid must pay it, and that they and only they to whom the Payment of it is directed will be intitled to receive it. The Patronages and advowsons of all Churches, as has been observed, were granted to Lord