

Two years later, the Assembly passed a law bestowing the office of Commissary General upon the "Divine or Commissary" expected from the Bishop of London. The law required the Governor upon the arrival here and application by the "said Divine" to grant and confirm the office to him. It was stipulated, however, that he must be a resident of the Province and not exercise the office by deputy or representative.<sup>2</sup> On October 3, 1698, the Bishop of London issued a commission to Thomas Bray, D.D., as Commissary for the Province of Maryland.<sup>3</sup> Eventually the long-awaited Commissary did arrive. On May 4, 1700, Dr. Bray appeared before the Governor and Council in support of Edward Dorsey's petition for the remission of a fine.<sup>4</sup> But on June 27, 1700, the Governor announced to his council that Dr. Bray having gone to England he, the Governor, had conferred the Commissary's Office upon Thomas Brooke, one of the Council. At the same time, he asserted he was willing that upon the return of Bray or "any other qualified person sent in by the right Reverend the Lord Bishop of London" he "should enjoy that office."<sup>5</sup> Bray does not appear in the records of the Prerogative Court at all, probably because he confined his attention to strictly religious problems and did not apply for the office of Commissary General as required by the law of 1696. In any case neither Bray nor any other Commissary returned to take advantage of the Governor's offer.<sup>6</sup>

#### ORIGIN AND EARLY DEVELOPMENT OF THE PREROGATIVE COURT

The Prerogative Court did not spring into existence, a full-fledged court. Like the other institutions of the Province, it was the product of a gradual evolution, influenced by the customs of the home country and the needs of the new. Its origin can be traced back to the Charter granted to Lord Baltimore in 1632. In it, he was given complete control over the colony, including authority in religious matters comparable to that of the Bishop of Durham.

<sup>2</sup> *Ibid.*, XXXVIII, 92.

<sup>3</sup> *Ibid.*, XXV, 11.

<sup>4</sup> *Ibid.*, XXIV, 62.

<sup>5</sup> *Ibid.*, XXV, 95.

<sup>6</sup> For a more thorough discussion of the religious aspects of the office of commissary general and of the efforts to place it under the control of the church, see Edith E. MacQueen, "The Commissary in Colonial Maryland" (*Md. Hist. Mag.*, XXV, 190-206).