

Your Remonstrant, therefore, most humbly implores your Excellency to be pleased to take the Premises into your Excellency's consideration, and to grant unto Your Remonstrant such Relief as to Your Excellency shall seem proper.

April 29. 1760.

Advertisement

Notice is hereby given to all Persons, that the Reverend Philip Hughes is Inducted into Oventry Parish, and the Vestry desires all the Parishioners to meet at Rabeboth Town Church, on Monday the 11th of January next, for to know their Sentiments concerning the receiving the said M^r. Hughes - p^r. Order.
December 24. day 1767. Bif. Monday be a bad day, must on Wednesday the 13. of Jan^y. Turnell Cuthen Req^d.

I have no doubt of M^r. Hughes's Inclination to restore, by all reasonable Means, Peace and Tranquility to his Parish, and have therefore no Scruple in recommending to him an Endeavour to bring about a good understanding, by Expostulation, but tho' this be my Opinion, yet, if after a proper Trial of moderate and conciliating Measures the Evil of dissension should appear irremediably in this Course, and the Vestry should peremptorily proceed in obstructing him in the Discharge of the Duties of his Function, I also must think that recourse ought to be had to legal compulsory Methods for the Punishment of Outrage, and that the Authority and Rights of his Lordship ought to be vigorously supported; Some Indulgence may be shewn to Error, but the Reins of Government are not to be surrendered into the Hands of any Vestry, for the present, I would recommend that the *Viri de vi laica removenda* may be kept back till there shall appear to be a Necessity for that vigorous proceeding, I have heard that the Disposition of the Vestry is very much owing to what the Parish suffered during the Incumbency of that wretch Whitaker, a Man not only unfit for the Station in which he was placed, but so infamously profligate that it would have been a discredit to any Person of character to admit him to the Accord and notice of a common acquaintance, and it is no uncommon thing for Assentment to exceed the proper Bounds, for the Remembrance of a former Evil to raise a dread of its happening again, and for such Dread to breed excessive Jealousies and Suspensions, In this case particularly, therefore, I could wish that the Heat the Vestry have fallen into, may rather be allayed by Senity, than that their Irregularity may be severely censured. It must be in the Memory of some of the Parishioners that great Pains were taken to deprive Whitaker of his Parish, I was of Counsel against Whitaker when his case was agitated in the Provincial Court, where he was called upon to answer for a supposed Breach of the Peace, and an Information on this Account was moved for against him, he having broke and entered into the Church, his defence was that He was Incumbent in virtue of the Governors appointment, without any Ceremony of admission, and that what he had done was to remove an Obstruction to the performance of his Duty, He founded his plea on the words of the Act of Assembly, and they being clear, and the Court having no doubt that the Appointment proprio vigore conferred the Benefice, the Case was taken up against Whitaker upon another point more material, viz^t that the Governors Appointment could not operate when the Appointee was not in Priest Orders, as it was urged that Whitaker had, at most, obtained only Deacons Orders, the objection proceeding upon a Negative, it was alledged, that Whitaker ought to prove the Affirmative, which could only be done by producing the Letters of Orders, on the other side it was Answered, that the Governor having the Right of Appointment implied all preceding requisites, that however there was sufficient Proof, in Whitakers case, of his Qualification, he having before been in another Benefice, and no Surmise of his not being in Priest Orders, that it would be hard and inconvenient to call upon him to produce his Letters of Orders, which he might have lost, and which he might well think it was unnecessary for him to be very careful of, after he had obtained his first Benefice and held it without objection for many years, The Justices were divided but finally Whitaker was discharged by having the Voice of the Chief Justice on his side, which gave him the Majority. Every One, I believe, was at the time satisfied, I am sure the Counsel against Whitaker were satisfied that the Determination of the Court was right in every other