

CANDID ANIMADVERSIONS,

RESPECTING A PETITION

TO THE LATE

General Assembly

OF MARYLAND,

In behalf of the Episcopal Ministers in
the same.

BY VINDEX.

*“ If any Person considers these Things, and yet thinks
“ our Liberties in no Danger, I wonder at that
“ Person’s security.”*

B A L T I M O R E:

PRINTED BY HAYES AND KILLEN,
IN MARKET-STREET.

M.DCC.LXXXIII.

INTRODUCTION

AS an application to the late General Assembly of Maryland, in behalf of the Episcopal Ministers residing therein, has given very great offence; as a good deal has been offered through the channel of Newspapers to shew the evil nature, design and tendency of it; I have been advised to select the principal observations heretofore published, and combine them with others, which succeeding reflection might suggest, in one uniform concise scheme. To this advice the following sheets owe their appearance, and by it I have been entirely guided in the selection of what the public has already seen.

Nor is it my wish to disturb the Reverend Dr. S. in his retirement from the world and the things of the world, where he is inhaling copious draughts of sublime contemplation, purifying himself by a course of mental recollection, contrition and extraordinary devotion for the mitred honors to which he is destined. Even he may require to pass through several degrees of purification, before he becomes a proper recipient of the indelible character.

That the reader may distinctly comprehend the subject canvassed, I must premise a few things.

1. The debate raised concerning it, neither is nor can be properly called religious, whatever some emflamable spirits may weakly imagine, or trifling scribblers may ignorantly write. Certainly not a syllable has dropt from my pen reflecting on the articles, the discipline or devotion of any Christian society throughout the State, nor the least endeavour used to diminish their importance on a religious score. One persuasion may admire the venerable order and beautiful form of their worship---another may admire the elegant simplicity and evangelical purity of theirs---a third, the spiritual, extatic, heavenly raptures of theirs. Let them all be persuaded in their own minds, and to their own master stand or fall, who will accept of those

those in every communion, who serve him with upright sincere minds. But let none disturb or exercise over the rest dominion in any kind or degree, upon any account whatever.

2. Particularly, there is not the smallest objection against the introduction of Bishops into Maryland, though the contrary has been unjustly insinuated, and injuriously propagated by a writer, who is passionately fond of the measure. While America continued in mean dependence on Britain, such a dignified Ecclesiastic would have proved dangerous to our civil liberties, as a necessary consequence of the government which then subsisted. But the evils specified and feared from an American Episcopate at that time are done away by the glorious revolution, which, shaking off the British dominion, has entirely subverted the foundation of them. Except perhaps a few ignorant folks, who do not understand the matter, all belonging to the non-Episcopal communions in Maryland, and I know their sentiments well, care not how many Bishops are brought into the State, without however the interference or assistance of the State, and how well qualified they are to discharge their peculiar functions by learning and eloquence, by virtue and piety---they are indifferent whether these apostolic personages are denominated Presbyters or Metropolitans, Patriarchs or Popes, or dignified by any more pompous sounding names, which adulation may have devised, or superstition adored.

3. It is neither said nor believed that the Episcopalians generally approve of the measure under enquiry, or wish for the consequences it was contrived to produce. Many, very many of them understand too well the nature of christianity and the rights of humanity, to lend their countenance or assistance in so exceptionable a transaction---more of them will join in condemning it, as they take additional pains to consider it. May Christian knowledge and generous sentiments be universally extended---may the liberal; the catholic and enlightened of all Churches, unite in defending and maintaining that perfect and entire equality

equality among all persuasions, to which all have an irrefragable inefutable claim.

4. It is of no consequence to ask, what denomination is most numerous? For numbers afford no proof or presumption that truth belongs to their side, nor give a right to the minutest advantage over the most inconsiderable society that can be named. All Churches are orthodox to themselves, and have the privilege of thinking so, be their members few or many, rich or poor. Five have the same liberty to judge for themselves with five hundred, or five thousand, and should stand upon exactly the same level in the estimation of civil government.

5. It is not under consideration at present, whether the Legislature can conveniently, and may consistently lay a general and equal tax for the support of the Christian religion, agreeable to the permission granted in the bill of rights. My private opinion is, that the measure will appear upon examination impracticable, without infringing the privileges of entire societies. But I have now to do only with a particular endeavor in favor of a particular denomination, concerning the inconvenience and inconsistency of which an unprejudiced deliberate enquirer will entertain little doubt.

Herein lies the sole ground of complaint and cause of fear—the aggrandizement of any one sect above others, by holding an illicit commerce with civil power—the obtaining, or striving to obtain from government by any one sect, privileges, advantages, preferences, distinctions superior to the rest—whether its officers are called Ministers or Priests, Prelates or Bishops, it matters not a straw. An attempt of this sort will ever raise a powerful alarm, unless the people are enslaved or asleep—an attempt of this sort has raised a powerful alarm, and a prosecution of it shall, with the countenance of Heaven, be resolutely and successfully opposed.

SECTION I.

THAT the partial destructive attempt mentioned has been made by two zealous Divines in behalf of a particular Church, will appear evident to every person, who reads with attention the following extraordinary composition, and is moreover told that leave was granted to bring in a bill in conformity to it.

• To the Honorable the **GENERAL ASSEMBLY**
of the State of **MARYLAND.**

• The **MEMORIAL** and **PETITION** of the Subscribers
in behalf of themselves and others the **Clergy** of the
Episcopal Churches—

“ **SHEWETH,**

“ **T**HAT the happy termination of war, the establishment of peace, and the final recognition and acknowledgement of the sovereignty and independence of the United States among the powers of the world, yield a favourable occasion (which this State has long desired) of making permanent provision, agreeable to the constitution, for the Ministers of religion, and the advancement of useful knowledge and literature in this rising American empire.

“ That in respect to the Episcopal Churches in this State (to the communion of which so large a proportion of the good people of Maryland belongs) the following things are absolutely necessary, viz.---

“ 1st. That some alterations should be made in the liturgy and service, in order to adapt the same to the revolution, and for the purposes of uniformity, concord and subordination to the State.

“ 2dly. That a mode or plan for ordaining and keeping up a succession of fit and able Ministers or Pastors for the service of the said Churches, agreeable to ancient
practice

practice and their professed principles, as well as that universal toleration established by the constitution, be speedily determined upon and fixed under the public authority of the State, and with the advice and consent of the Clergy of the said Churches, after due consultation had thereupon—

Your petitioners therefore pray that the said Clergy may have leave to consult, prepare and offer to the General Assembly, a bill for the good purposes aforesaid; and as bound, they shall ever pray, &c.

WILLIAM SMITH,
THOMAS GATES.”

The draftsman, who here mentions with seeming joy, “the happy termination of war,” it is well known, would have been much better pleased, if the hostile scene had terminated in a very different manner, and was not wanting in his endeavors to accomplish the ruinous end.

The first and most flourishing part of the petition, appears framed to make us believe the petitioners intended a noble extensive plan in favour of religion and literature, which should equally provide for all denominations in the State; but the subsequent remarks will shew their views were considerably more limited.

1. Though they applied in behalf of the Episcopal Ministers, without authority or appointment, it is not within the reach of supposition that they would also apply in the name of the whole people of Maryland, respecting matters of such high concernment, without consulting them, or giving the smallest intimation of what was intended. To undertake so much, and in such a manner, must discover a degree of effrontery for which language hath not yet furnished an adequately descriptive name.

2. After the whiggish vaporeing parade is finished, and they come to explain themselves fully, three things are distinctly pointed out as the burden of their prayer, whereof indeed intimation is previously given in two parentheses, which somewhat deform the beauty of the composition.

The

The *First* is, That some alterations should be made in the liturgy and service.

The *Second*, That a plan for ordaining and keeping up a succession of Ministers for the service of the Episcopal Church, should be fixed upon under the public authority of the State.

The *Third*, That the Episcopal Clergy might have leave to meet and prepare a bill for these specified purposes.

These are matters purely evangelical, yet so full are the petitioners in acknowledging the exclusive authority of the civil Magistrate to order and direct therein, that the Ministers of Jesus may not even assemble together, and enter upon a consultation about them of their own motion or accord. Leave must be asked of the Legislature for the Clergy to consult, &c. in conformity whereunto they record, when convened in consequence of permission solicited and obtained, "That they were duly assembled at Annapolis, August 13th, 1783, agreeable to a vote of the General Assembly,* passed upon a petition presented in the name and behalf of the said Clergy." From all which it is manifest that their whole proceedings, in affairs of a peculiarly spiritual nature appertaining to their Church, rest entirely for proper sufficiency on the transcendent authority of the late General Assembly.

Now without consulting the new Testament on the case, let us hear what the Constitution says to all this. It says, "As it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the Christian religion, are equally entitled to protection in their religious liberty"—which proclaims unequivocal and universal equality. Conformable to this fundamental in constitutional freedom, every denomination

* Tho' "General Assembly" is used in the minutes of the Convention. I do not find the Senate did more with the petition than hand it to the other house, from whence it never returned- it was therefore perhaps going too far to call the act of only one branch "a vote of the General Assembly."

on of Christians, their delegates and representatives, may unmolested and unquestioned, meet at such times and places as they please, to consult about, regulate and direct in the various business of their respective Churches, whether in relation to belief, to discipline or to worship; whether the design be to alter or compose prayers, to determine by whom and to whom the office of a Bishop shall be committed,---“while they do not disturb the good order, peace or safety of the State, or infringe the laws of morality, or injure others in their natural, civil, or religious rights.” Under the security of this solemn declaration, all our numerous denominations have met, and do meet, for the important purpose of regulating the concerns of their respective Churches, without provocation or offence. Having in view, as they ought, what is essentially different from civil government, in no part does civil government meddle with them, or inquire into their conduct.

All possible descriptions of Christians are equally entitled to the countenance and favour of government, while they behave equally quiet and inoffensive, agreeable to the original design of *its* institution. They have an equal right to assemble themselves together, when and where they please; have as good a right to meet on a religious account, as any number of persons have to meet for the sake of each others company, or to promote agriculture or commerce. If any among these violate the laws of their country, let them be punished; if they endanger public or private safety, let them be restrained; if they offend in none of these respects, let them proceed---they have a right to proceed, to frame their own regulations, to alter, amend or abolish their creeds and confessions and forms of devotion, and no man nor body of men, no power, whether legislative, executive or judicial has a right to molest or impede them.

In the instance before us the Clergy's right to transact the whole of what the petition mentions was inherent in and inseparable from their clerical character; it rested not with the Legislature to give or take it away, unless danger was apprehended to the State, which is not supposed

posed---to prevent their appointing an holy convocation to the Lord, or a convention to bring under review all or any part of their spiritual fabric. All this was well known to the petitioners, but they wanted, and have not unsuccessfully labored, to bring their Church into an intimate union and peculiar connexion with civil Government, eminently entitled to her friendly notice, singularly dependent on her fostering care. Should the proposed bill succeed, theirs will in effect become the Church of Maryland, which shall receive, on the lowest supposition, particular countenance, distinction and protection, contrary to the spirit of equality, which is expressed in the Bill of Rights. Nor does the mischief rest here. A precedent is fairly established for the State to interfere in things strictly and properly religious, which may be pleaded and improved upon in future, as times and occasions serve, till the old ignominious bondage is again restored.

When a Legislature, or a branch thereof meddles with persons or things purely evangelical, when it creates or exercises any kind or degree of Ecclesiastical power, it departs from its original destination, and unwarrantably invades another's province. Its nature, design and the means to be used in accomplishing its proper objects, prescribe employment essentially different from these. But if Legislators may grant permission to review a liturgy, or digest a plan of Church government, they may determine whether these are properly reviewed and digested, and what shall be done with them afterwards; nor can we presume to foresee where they will stop in this career, when it is once fairly begun. The principle acted upon, carried into its full conclusions, would authorise their assuming a convocational air, and bringing for trial before their awful tribunal all subjects of Ecclesiastical discussion.

Suppose the late House of Delegates had, as well they might have, judged the Clerical application absurd or wicked, and rejected it with contempt or abhorrence, what would have been the consequence? No suitable prayers, according to these two pious Divines, could have been composed to be offered up before the God of
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Heaven,

Heaven, no Pastors could have been ordained to feed the shepherdless flock, "the salvation of mankind must have stood still," and the Episcopal Church in our State must have failed, though the Church mentioned by our Savior is said to derive its authority from, and to depend for its perpetuity upon a very different jurisdiction. Truly lamentable is it to hear such language from Christian Ministers in our enlightened, philosophic, liberal day. Many Episcopals feel themselves extremely hurt by the proceeding, believing and being persuaded that their Church rests on the sure foundation of the Prophets and Apostles, whose chief corner stone is Christ himself. However the injury hereby done to christianity is not now under examination, it is the evident imminent danger arising herefrom to the liberties of my fellow citizens, whereof I complain—the provoking and hitherto promising attempt made to raise equals to the rank of superiors—to secure for them in due time peculiar honors and emoluments, to which they have no natural, civil or religious claim.

There is another light in which it is necessary to view this exceptionable measure. The petitioners pray for leave to consult, to alter their prayers, to fix on a plan for ordaining ministers—which, if it has any meaning, supposes authority in the body petitioned to grant or refuse. By hearing the prayer and deciding upon it, that respectable body likewise presumes itself vested with this authority. Now the Constitution had already decided the matter in the plainest terms, declaring the petitioners in full possession of all they solicited. Shall then either or both Houses of Assembly venture to give or take away, withhold or concede what has clear constitutional decision? No such doctrine must be admitted, no such transaction must pass uncensured and uncondemned, though proceeding from inadvertence and inattention, as I believe this did in a great measure. It is so blameable in itself, and so capable of being improved by artful intriguing men to the ruin of public happiness, that it should be openly arraigned, and steadily resisted.

To oppose a disease at its beginning, is no less saluta-

ry for the political than the natural body. It is the motto of well informed vigorous minds in political concerns, who, feeling the noble impulse of talent, are ever most readily roused to preserve their liberties from outrageous attack and sly treacherous machination. They will sound an alarm upon the most distant approximation of danger, they will determine to resist with energy in the primary assaults or advances of oppression, when alone resistance effectual can be made. The smallest trespass on property or conscience, the least preparatory movement towards disturbing either, the adoption of principles which would manifestly lead to invade either by an unconstitutional, overstrained or foreign authority, will excite them to expostulate, to remonstrate, to oppose. On another hand, the timid, improvident and weak, will never prepare to move, before all endeavors are fruitless, and nothing successful can be done—lulled by false opiates, or intimidated by unmanly fears, they remain unconcerned and unactive, till, through an accumulation of gradual encroachments, the whole load becomes impossible to shake off, and intolerable to endure.—

The record of the late lower House of Assembly, concerning the procedure in question, is too remarkable to pass unnoticed, and I cannot account for its singularity, though I have already declared, and again declare, I do not think they intended any wrong, or penetrated the drift of the two Ecclesiastical negociators, who have wickedly embroiled our public affairs. When any other petition or memorial, public or private, is mentioned in the journals, the substance or principal subject thereof is given, except such as were referred over from a former session, where the same historical accuracy appears. But no such thing happens in this instance, and it would puzzle a conjurer to find out any part of what is applied for by the votes and proceedings. In page 30 of the journals, it is termed “a petition from William Smith and Thomas Gates, in behalf of themselves and others, the Clergy of Episcopal Churches.” In page 38, it becomes “the memorial and petition of the Rev. Dr. Smith and the Rev. Thomas Gates, and the question is put, that the prayer thereof

thereof be granted;" which being carried in the affirmative, leave is given to bring in a bill pursuant thereto. But what the memorial contained, or what the supplicants prayed for, the record saith not, and Dr. Smith and Mr. Gates, may bring in a bill at the ensuing session of the present Assembly, for elevating themselves in proud pre-eminence, one on the right hand, and the other on the left hand of temporal dominion, to advance their own glory, and the good of their wondering brethren placed below. Such a bill would not pass, we know, but it would shew the defectiveness of the record.

An observation of superior moment is this. The application was preferred by men, and the favor granted to men, among whom there are individuals, who are not, "on consideration of all circumstances, and their whole conduct and behavior---of known and unquestionable attachment to our present Government, and the principles of liberty and independence"---who avowed open disaffection, or lurked under wily indecision, till the success of our cause become undoubted---who spoke and wrote against our measures---who proclaimed us "workers of iniquity, as turning religion into rebellion, and faith into faction"---who owe their possessions and the exercise of their functions to the laudable mildness and clemency of a lenient Government*. What renders the matter more extraordinary is that, the same Assembly, at the same session, enacted a severe law against supposed disaffected persons of another learned profession, very inconsiderable in number, who have it not nearly so much in their power to disseminate heretical politics, or alienate people's minds from the Constitution and Government of the State.

S E C T I O N V

After pointing out the inequality meditated, and in part accomplished, to the exclusive benefit of a particular communion,

** The notoriety of these facts renders all apology for mentioning them in this place unnecessary; nor can it affect those patriotic characters among the Episcopal Ministers, who testified a virtuous adherence to their country from the beginning to the end of her glorious contest.*

communion, after assigning a few plain reasons against the measure, I would call the reader's attention to its impolicy in several respects.

Should the interference of Government, respecting religious matters, be once admitted or acquiesced in, as there is no determining what enormous lengths it may run, every denomination will improve the advantage it may have from numbers to provide bountifully for itself; and in the present fluctuation of religious opinions, no man would undertake to foretel what denomination may be lord of the ascendant a few years hence. The one counting a decided majority now, may be able to muster no more than a feeble minority then; none therefore should at any time set an example which may be afterwards cited and followed to its own injury, when it shall vainly ask that justice, it once refused to shew. Whereas, if it is laid down as an inviolable position never to be receded from, that the whole people of the State shall be treated as children of the same family, without favor or affection, partiality or prejudice---that they shall have what religion they please, and manage it in their own way, provided they disturb neither private nor public tranquility, they will then remain entirely safe, and in perfect harmony with each other. Happy experience will in a short space evince the vast utility of this just and liberal policy---its salutary consequences will be universally extended, and it will from habit and opinion, yield a more compleat permanent security, than even legal sanctions and constitutional provisions.

By giving preference to one denomination, the ground is laid for strife and contention, jealousy and suspicion, envy and competition. The favored flock waxes insolent, haughty, overbearing---the rest are displeased, provoked, exasperated and unite their endeavors to gain an envied superiority in their turn. Convulsions ensue, fatal to public repose, which frequently derange the order of government, and sometimes dissolve its frame. Now all these miseries may be effectually prevented by doing what is in itself invariably right, namely, dealing the same measure to all denominations without distinction.

This

This takes away all foundation of complaint and contention---this alone can be reconciled with the respective claims of civil liberty and of the Christian religion.

Other States in the union, more influenced by resentment than policy, where those denominations that are the minor part among us compose a majority, may be alarmed at the injuries threatened against their brethren, and project similar encroachments, pleading in justification of their conduct the precedent established here. Thus shall misfortunes be extended, animosity and variance disseminated, to the disgrace of our nation and the injury of genuine christianity, which has ever proved most successful, and beheld its ordinances most frequented, when left to depend, under God, upon its own inherent excellence, and the persuasive influence of its native charms.

The honorable Congress, it is reasonably apprehended, have not ultimately and irrevocably determined on the place of their future residence. An alteration may be effected herein--Maryland may yet enjoy the envied honor, and reap the vast advantage of assigning them a permanent habitation within her bounds, if she acts a wise and prudent part. But those illustrious statesmen will never think of fixing in a State, where approaches are made and countenanced to infringe the unalienable privileges of mankind, and legalize distinctions abhorrent from perfect freedom. Much rather would they risque the dangers of the sickly south, or brave the rigorous blasts of the cold north, surrounded by the smiles of equal liberty, than possess all conceivable accommodations, where she was refused an unmolested abode.

America naturally expects to receive large accessions of inhabitants from Europe, which will increase her wealth and population, improve her agriculture, manufactures and commerce. They are to come from regions afflicted with civil and religious slavery; they have groaned under the severities of both. Will they resolve to settle where either of these has already begun to obtain a footing in our recently librated land? Will they venture to fix their dwellings, where those miseries probably await them, to escape from which they forsook their native country and connections,

connections, and ventured the dangers of the seas? If partiality and unequal dealing are already tolerated, must they say, at so early a period, just at the close of a bloody war, waged to vindicate the essential rights of humanity, what can be expected in a short space, but all the sore calamities of bigotry, superstition and exterminating zeal? They would fly from our devoted shores, as from pestilence and death---they would warn their friends throughout the distant world from whence they came, to beware of that State, where Ecclesiastical tyranny had already commenced her intolèrant reign.

We should be left under our unrelieved burdens, the contempt and derision of all intelligent spectators, because we disregarded the advice of conscience, christianity and common sense, to gratify and aggrandise a set of men, some among whom are now bitterly bewailing the splendid success of our arms, and weeping over the unparralleled glory of our freedom and independence.

Are our patriots asleep, who should watch over and advance the public good with unwearied care? Are our men of property become insensible to their interest, on whom the enormous load of our national debt must chiefly fall? Are the true friends of christianity unconcerned about her prosperity, which will be eminently endangered by the insidious operations of her pretended advocates? All who wish well to patriotism, virtue and religion, all who sincerely love their country, should exert themselves with undivided vigor in asserting, maintaining and defending that perfect freedom, for which we have lately contended, at the hazard of every thing dear on earth.

S E C T I O N III.

Beside what I have advanced in the course of the preceding observations, it is necessary to consider another argument not long since exhibited in favor of the aforesaid application.

In the declaration of rights 'tis provided, "that the Churches, Chapels, Glebes and all other property now belonging to the Church of England, ought to remain to the Church of England forever."

By the revolution it has become difficult, 'tis alledged, to determine what the Church of England really is. By

By introducing proposed alterations into the liturgy, and fixing on a plan of ordination, this difficulty, 'tis surmised, will be increased.

Therefore it is pretended that the Legislature may of propriety, and should of necessity interpose, and by law declare what that Church is and shall be, to which shall belong the property mentioned in the Bill of Rights.—

By the way there is not a word to this effect in the petition, which the reader is requested to peruse again, though it has been urged in a flimsy performance with much shew and some plausibility! Spirituals alone are at issue there, and temporals not touched in the least. Had the pretence been true, and of so much consequence, surely it would have found a place in the supplication devoutly offered up---which not being the case, we must view it as an after thought, luckily hit upon, and now industriously brought forward to aid the favorite scheme.

To answer the same end, the word protestant is inserted in the title of the Church found so very difficult to ascertain, because it seems there is another Church in Maryland having Bishops, which might at some future day claim the temporalities belonging to her namesake, unless debar'd by the protesting term adopted. The Church here alluded to, certainly has Bishops, yet neither with her own writers, nor those of other communions, is she ever distinguished by the Episcopal part of her hierarchy, but denominated the Church of Rome, or the Roman-Catholic Church;---whereas the one we have to do with is designated by the appropriated titles of the Episcopal Church, or Church of England, as of fixed, precise, unambiguous meaning---the latter indeed is so definite and unequivocal, that it excludes the possibility of mistaking the object intended by it. Were the names of these two Churches more similar, or exactly the same, without alteration of their distinguishing tenets, it is presumed the apprehended danger would not be very urgent; and I dare say the judicious sons of each will not greatly admire the caution adapted to guard against it. But what would become of this discriminating appellation, for which the learned inventor merits preferment, if a few
Moravian

Moravian congregations, no unlikely supposition, should emigrate from Germany and settle in our State? They too have Bishops, and because they have, being also Protestants, they, it seems, might claim the darling property appropriated to the now Protestant Episcopal Church in Maryland, unless this acute distinguisher was alive to excogitate some new definition, and apply for another defining act to give it legal energy.

Let it likewise be well remembered on the subject.

1. That we are not enquiring whether it was fair and equitable in the framers of the Constitution, to appropriate exclusively for the use and benefit of a particular denomination, what had in part been taken from other denominations, contrary to all the rules of religion, morality and good policy? In some places, the non-Episcopal owners of the property thus vested, are a majority, in several others a respectable minority. But on this account no clamor is heard, because we must make allowance for the prejudices of education, for the influence of custom, for habits of thinking confirmed by these, which often confound, as in the instance produced, the clearest distinctions between right and wrong, mine and thine.

2. Neither do we inquire whether the denomination in possession of what was plundered from their fellow Christians, by the operation of an irrational, irreligious anti-Christian establishment, should in honor and conscience and justice devise some mode of making restitution to the uncomplaining sufferers?—

The plain inquiry is, whether, under pretence of securing what has in part at least been unjustly obtained, a law shall pass, which shall in future endanger the injured societies, and lay the foundation for subverting that system of equal liberty, for which all have equally contended? Or less inoffensively tho' not more truly.

Whether a law should pass to prevent litigation in the premises, and define and defend right?—

The following reasons are offered against the enactment of such a law.

1. The government of the Church of England in this State was as effectually subverted, and the difficulty of
C
ascertaining

ascertaining its identity was as great at the formation of our Constitution, as they are in the present day. No single occurrence has happened since to effect the smallest change in these respects. The former head of the Church was amputated, and the former way of obtaining Episcopal ordination totally obstructed, when America declared herself independent, July 4, 1776, which memorable event preceded the nativity of our free Government on the 14th of the ensuing August. These particulars were thoroughly understood by the framers of the declaration of rights, who nevertheless neither apprehended nor foresaw any difficulty in ascertaining what was and should be the Church, entitled to the estate mentioned. They call her, with strict propriety, the Church of England, a name to which definite familiar ideas are annexed; and for the greatest security, they bequeath to her a constitutional legacy, under that well known appellation.

2. The General Assembly, which met in the spring of 1779 had no more doubt concerning what the Church of England was, nor whether she might be distinguished by her old name, than the Convention had, for at their then meeting they passed an act to establish select Vestries, which enacts, "That the select Vestries shall, as Trustees of the parish, be vested with an estate in fee in all the Glebe lands, as also in all Churches and Chapels, and the lands thereunto belonging, late the property of the people professing the religion of the Church of England."

3. A supplement was also passed to the above act in November the same year, which, after reciting what the declaration of rights contains on the subject, enacts--- "that all property belonging to the Church of England shall be vested in the select Vestries---as Trustees of the parish---to which they belong as a body politic."

If the said Church is still unspecified, undistinguishable, unknowable, she must resemble the inconsistency of the Poets fleeting fair, of whom he sings,

"Chuse a firm cloud, before it fall, and in it
Catch, ere the change, the Cynthia of this minute."
Shall we be told, notwithstanding so much pains have
been

been used to provide for and secure this Church; notwithstanding she has been spoken of and designated on the most solemn occasions of constitutional and legislative deliberation with precision and accuracy of language—shall we be told that there is an indispensable necessity for additional elucidation? Who does not plainly discover the design of the contrivance, and admire the extravagant presumption from whence it flows?

Will the requisite alterations in the service and plan of ordination, be after all appealed to, as requiring the aid of a particular law? These are matters altogether spiritual for the entire regulation whereof, every Christian Church has a sufficient authority from the Gospel, and expressly recognized by the Constitution. Had the movers herein been really in earnest, they would first have proposed a meeting of the Clergy, to consult and agree upon the changes or emendations proper to be introduced; after which, application might have been made to the Legislature, for their descriptive aid, in case it appeared necessary and adviseable. But by asking for what they had an original, inherent, independent right to, they published the true secret of their proceedings, and incontestibly proved, that, not spiritual edification, but secular preferment, was the inviting object which set them in motion.

Had the regular mode been pursued, it is nevertheless alleged that the application would have been inadmissible. For

1. The interposition of the Legislature can never be indifferent—when it is not necessary, it is mischievous.

2. If the Legislature passes a law concerning what the Constitution has already determined, and altogether agreeable to the constitutional determination, it is useless in itself, but it is hurtful in its consequences, by setting the precedent of making too free with the Constitution, on whose inviolable safety our own essentially depends.

3. If the Legislature possess a law concerning what the Constitution has already determined, but different from the constitutional determination, it is a usurper, it has no real authority, and able independent judges will treat

treat it accordingly. But our judges may not always be able and independent---the undue influence of the Legislature may reach the judicial seat, and procure for an unconstitutional law that deference which may prove fatal to the Constitution itself. We should therefore take diligent heed that no such law be allowed to pass.

4. If the Legislature undertake to retrench what is redundant, to supply what is deficient, to explain what is ambiguous, illustrate what is obscure in the Constitution---they in fact venture to alter the Constitution, and may presently substitute in its stead a code of their own acts. If a change or improvement is necessary in the instances pointed out, or in any instance whatever, it must not proceed from them, there is a method prescribed for accomplishing it, which must be complied with.

5. The Constitution furnishes rules of proceeding for judges in their adjudications as well as the law does---their's is the proper and only tribunal before which to try both what the Constitution says, and what the law says. The Legislature therefore travel out of their province, and unwarrantably encroach upon the judicial branch, when they authoritatively declare either.---

If these observations are applied to the case debated, it will be found that the highest authority has precluded Legislative interposition---that the Legislature should not interpose---because there is no real necessity---because it will not make the matter plainer or clearer---because it will not prevent a single contest, for contenders on one side will always plead to have their cause tried by the Constitution, and upright judges will grant their plea---because it would be an unwarrantable assumption of judicial power---because it would be usurping dominion over the Constitution itself.

Abundantly adequate to the trial and decision of this and every similar cause is the judicial power of the State; and I am fully convinced that if, in consequence of leave formerly obtained, a bill to the purport set forth should be prefer'd to the present Assembly---they will be too careful to preserve the different branches of Government se-

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parate and distinct--too constitutional in their Legislative proceedings---too attentive to the equal rights of their constituents---too solicitous for the peace and harmony of the State---to clothe such bill with the awful respectable form of a law.

C O N C L U S I O N.

From the celebrated era of our freedom 'till the current year, Maryland has enjoyed an uncommon share of internal repose. Without parties or factions, all ranks and religious denominations, have cordially united to advance her welfare, desiring to behold her public debt reduced, her public credit restored, and an enviable pre-eminence attained by her among the confederated republics. The harmony and cordial affection so happily prevailing, and so essential to her prosperity, may be perpetuated by a continuance of disinterested unbiassed dealing; whereas the reverse will transform the bright scene, and plunge us rapidly into numberless infelicities. It is hard, it is exceeding hard, that our tranquility should be interrupted, by two turbulent Priests, who will hazard any convulsion to rise triumphant and conspicuous above their equals in all respects. Unless understanding, and resolution and watchfulness and just indignation, have entirely withdrawn from a large proportion of our inhabitants, these restless aspiring spirits will not be left 'till they are severely chastised for their intolerable insolence, and effectually intimidated from renewing our confusions during the remainder of their lives.

We have just accomplished a revolution, which is and will be the admiration of mankind, 'till all human glory passeth forever away. By our means an uncommon illumination has spread over the whole civilized earth, penetrating eve. its most dark and intolerant regions of gloomy superstition. The noblest prospects break around our enraptured views--we triumphantly anticipate degrees of national magnificence and grandeur, far superior to what the sun ever beheld. While the war continued, when weakening fear prevailed on almost every side, *Maryland* was distinguished by the wisdom and vigor of
her

her counsels, the unanimity of *her* citizens, the number and valor of *her* troops. Shall *she* tarnish her dear bought honors, and descend from her well-earned fame---shall *she* obscure "the splendor of America's rising" by an admission of unjust distinctions and impolitic discriminations, which shall inroach upon the indefeasible privileges of her resolute, virtuous, obedient citizens? It must not, cannot, shall not be. "Their own liberal contributions and intrepid exertions in the late hostile scenes say no---the blood of numerous heroes shed for equal impartial liberty says no---an immortal leader says no, who has been the chosen instrument of doing more for the salvation of his country than ever before fell to the lot of a human being, who has saved her to be "an asylum for the poor and oppressed of all nations and religions," and who would have the residue of his day embittered by incurable anguish if, looking across the river that enriches and adorns his peaceful retreat, he should behold ecclesiastical usurpation raising her hideous head, and dispersing her baleful malignant influence around. The God of Heaven says no, who having heretofore signally interposed in their favor, and entrusted to their keeping the fair inheritance of impartial freedom, expects and commands them to stand fast in the liberty wherewith he has made them free."

Frederick, October 28, 1783.

* * In my first number, I said it was in *substance* recorded, that "at the last session of our General Assembly, the Rev. Dr. Smith and the Rev. Mr. Gates, asked and obtained leave for the Episcopal Ministers in the State to hold a meeting, for the purposes of making certain alterations in the Book of Common Prayer, and devising a plan to perpetuate the Ministerial Succession."

Dr. Smith said in his defence, published in the Maryland Gazette, Sept. 19th, "I had *wholly* mistaken or misrepresented the prayer of the petition delivered to the General Assembly by Mr. Gates and himself—who prayed for leave to consult, prepare and offer a bill, &c." He also declared "the *sole* object of the proposed bill, was to remove all doubts concerning the property reserved to the Episcopal Church, and to enable her to raise and manage a fund for the relief of distressed widows and children of her Clergy, and to establish some exhibitions to assist poor youths of genius, in their education for the Ministry, and other pious and charitable purposes."

Let the reader compare these accounts with the petition itself, and the extract from the Clergy's Minutes, and he will perceive what degree of confidence is to be placed in the solemn deliberate asseverations of our Bishop elect. The design of this is, to give the good people of Maryland a sample of Dr. Smith's veracity—in Pennsylvania it would have been altogether useless.