

which is not true in Fact/ to permit them to name Commissioners it would be to the Proprietary whose Estate you would tax in the same Manner with any other Subjects? or can it be imagined that the Peers of England would consent that Commissioners should be appointed to rate their Estates to the utmost Penny by a House of Commons who had before doubted at least their Existence as a Branch of the Legislature?

U. H. J.
Liber No. 35
May 4

We don't know how far we may be contemned by the Commissioners named in your Bill for our Observation "that those who derive a Power from the Act of another will naturally think themselves peculiarly accountable for their Conduct to their Constituent" nor were we induced to make it from any personal Dislike to the Gentlemen named, many of whom are Strangers to us, but if these Gentlemen are really as much inclined to express their Contempt as you are for them we should afford them a better Pretext for it by suffering you to usurp an Authority over our Properties. If the Land tax Acts were to be admitted in the Extent you have asserted yet we think that the Right in the Proprietary to nominate all Officers whatsoever civil or military, and the respectable Opinion of Lord Chief Justice Willes would not be invalidated by your Reasoning

You ask, what Argument can be drawn from his Lordship's Charter? will it be contended that the King has granted by that Charter a Power which the Crown does not exercise, or even attempt to exercise? and then you conclude "that surely it will not be contended; for his Lordship's Power by the Charter to appoint Officers can't be greater than from whence it is derived, and never could be intended to extend to Officers of the Kind nominated in your Bill "

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Now this Matter which appears to be so indubitable to you, appears in a very different Light to us, and permit us in our Turn to ask you a few Questions.

Whence do you derive the Power of making Laws but from the Charter? will you not contend that the King granted a Power by the Charter which the Crown does not exercise or even attempt to exercise? whence would you derive the Power you now assume to appoint Commissioners? Do you claim it from Usage? you can't cite one Instance. Do you claim it under any and what Act of Assembly? you can't produce one. Do you derive it from the Charter with the Power of Legislation? By your own Argument you can't. The Perplexity you must be involved in by not attending to the true Origin of our Constitution ought to recommend that as much to your Consideration as the Learning of Land Tax Acts

All the Power as we apprehend that we have or can exercise flows from the Charter, and Power when granted should be exercised according to the Restrictions and Limitations imposed by the Grantor.

If the Crown could by the Charter confer a Power of making Laws, the Crown it should seem could restrain or modify it, and