

not Extortion, and therefore on this Supposition may be demanded & taken.

L. H. J.
Liber No. 54
Nov. 22

This Consequence results from the very Nature of Extortion, which is "taking of Money by any Officer by Colour of his Office, either where none at all is due, or not so much is due, or where it is not yet due." From this Definition of Extortion it is obvious, that what is due must be settled, before the Excessiveness of the fee actually received can be adjudged Extortion; and most certainly when settled may be legally demanded and taken by the Officer; and the Proposition is equally plain, that what is due upon a Service done cannot be ascertained without the Consequence of ascertaining what would be Extortion in that particular Case; and *vice Versa*, what would be Extortion in any Instance, cannot be ascertained without previously ascertaining what is due. But your Excellency's Proclamation adopts the expired Regulation as the Criterion of Extortion, and therefore evinces, beyond a Possibility of Doubt, an implied allowance to charge to the Extent of that Regulation. p. 269

On recurring to the late Inspection Law which limited the Officers fees, we find that the Words of that Act are "That no Officer or Officers, hereafter mentioned in this present Act, their Ministers, Servants or Deputies, by Reason or Colour of his or their Office or Offices, shall have, receive, or take, of any Person or Persons, directly or indirectly, any other or greater fees which shall become due, after the last Day of November in the Year 1763, than by this Act are hereafter limited and allowed to the several Officers hereafter mentioned." Which Expressions every Body knows have always been construed, an implied affirmative Allowance of the fees; and when your Excellency has been pleased to issue a Proclamation, in the very same Words, we cannot but conclude, that you must [have] had the same Idea affixed to them, as was universally affixed to those Words, in the Act from whence they were copied. But even should we be mistaken in our Conjectures, that you intended to restrain the Registers of the Land Office, from charging more than allowed to them by your Excellency's Regulation; or that you intended to give an implied affirmative Allowance to the other Officers to charge to the Extent of the late Regulation, under the Inspection Law, your Excellency certainly thought, when you prohibited the Charging any other or greater fees, than by the late Inspection Law were limited and allowed, under Pain of your Displeasure, that greater fees were excessive; and from your own Reasoning in your Message before mentioned, "a Right to determine the Charges of fees excessive, implies the Right to settle the exact Compensation due for the Services performed; because without the Standard, what fees are adequate, what are more or less, than the just Proportion, cannot be ascertained"; Or if greater fees are not excessive, you have attempted by your Proclamation, illegally to restrain the Officers, from