

L. H. J. charging so much as they might rightfully charge, and thereby broke
 Liber No. 54 in upon the Right of the Subject, and to which every Subject
 Nov. 22 (whether in or out of Office) is as well entitled as any; and the
 heavy Pain of your Displeasure may be incurred by those who com-
 mit no Offence.

Having, as we hope, evinced to your Excellency's entire Satis-
 faction, that the Land Office is not a mere private, but a public Office,
 in which the Subjects here have a fixed and legal Interest; and
 stripping your Excellency's Proclamation of the ostensible Reason
 for issuing it, that it stands in it's Intention and Construction, as
 an implied Affirmative Allowance for the charging of Officers fees,
 agreeable to the late Regulation; permit Us, Sir, to lay before you
 some of the Grounds and Reasons, which induce us to think your
 Excellency has attempted to exercise the Power, which can be con-
 stitutionally exercised only by the Legislature. By the Common Law,
 the Officers of Justice were not intitled to any Reward from the Sub-
 ject for their Services; they were originally paid by the King out
 of the Crown Revenues. In Process of Time, Statutes were made
 for the Establishment and Regulation of Fees. But in our Re-
 searches, we do not find a single Instance of any Proclamation
 for levying the Salaries or ascertaining the fees of Officers.

Property, in the very Nature of it, is an exclusive Right. Under
 this Idea, our happy Constitution, anterior to any Statute extant,
 equitably and justly provided, that the People only should be capable
 of giving their own Property; and therefore no Tax could be im-
 posed upon them, but with their own Consent, given personally, or
 by their Representatives. This Principle of the English Constitution
 p. 270 hath been declared, confirmed, and secured by divers Statutes; one
 of them, that of the 34.th of Edward the First, *De Tallagio non con-
 cedendo*, permit us to mention. On which Statute Lord Coke in his
 second Institute 532, 3, 4, observes, That "Tallagium is a general
 Word, and doth include all Subsidies, Taxes, Tenths, Fifteenths,
 Impositions and other Burthens, or Charge put or set upon any Man.
 That within this Act are all new Offices erected with new Fees, or
 old Offices with new fees, for that is a Tallage put upon the Subject
 which cannot be done without common Consent by Act of Parlia-
 ment. That the Words of this Act are general so as all Tallages,
 Burthens or Charges put upon the Subject by the King, either to or
 for the King or to or for any Subject by the King's Letters Patents,
 or other Commandment or Order, is prohibited by this Act unless it
 be by common Consent of Parliament. That the Words are in the
 Disjunctive (*ponatur seu levetur*) so as if it be set by the King, altho'
 it be not levied by him, but by a Subject, as it was in the Cases above-
 said, it is within the Purview of this Statute." We find nothing to
 impeach the Authority of Lord Coke; but on the contrary, he is cited
 with Approbation by the late Writers upon that Subject.