

L. H. J. of an unwarranted Power. We find in the Lower House Journal of
 Liber No. 54 May Session 1692 the following Entries: "Voted by the House,
 Nov. 22 *nemine contradicente*, that it is the undoubted Right of the Freemen
 of this Province not to have *any fees* imposed upon them but by
 the Consent of the Freemen in a general Assembly"

"M^r Speaker with the rest of the Members appointed go up to the
 Council Chamber upon the Conference appointed Saturday last
 where they were admitted

M^r Speaker acquaints his Excellency, that he was appointed by
 the House, with several other Gentlemen to attend their Honours to
 give them Satisfaction in relation to the Message sent them on
 Saturday, and as to the greatest Part of the said Message he was
 ready to comply with their Honours therein. But as to that Part
 relating to Officers fees, that the House had given him a Charge to
 acquaint their Honours that they had fully searched into that Matter
 and understanding all Things pertinent to that Question, have unani-
 mously declared, that it is the undoubted Right of the Freemen of
 this Province that no *Officers fees* ought to be imposed upon them,
 but by the Consent of the Representatives in an Assembly, and that
 this Liberty was established and ascertained by several Acts of Parli-
 ament, the Authority of which is so great, as to receive no Answer
 but by Repeal of the said Statutes, and produced the same with
 several other Authorities; To which the Governor's Answer was, that
 his Instructions from his Majesty was to *lessen* and *moderate* the
 Exorbitancy of them, and not to *settle* them; to which M^r Speaker
 replied, that they were thankful to his Majesty for the same, but
 withal desired, that *no fees* might be *lessened* or *advanced*, but by
 the Consent of the Assembly to which the Governor agreed."

And among the Acts passed that Session we find one entitled "An
 Act for Limitation of Officers fees"; and one entitled "An Act for
 limiting the County Clerk's fees within this Province," which regu-
 lated and established the fees of Officers. These solemn and deli-
 berate Proceedings, was the Case otherwise doubtful, would, we
 apprehend, be decisive. Permit us to entreat your Excellency to
 review this unconstitutional Assumption of Power, and consider
 its pernicious Consequences. Applications to the publick Offices are
 not of *Choice* but *Necessity*. Redress cannot be had for the smallest
 or most atrocious Injuries, but in the Courts of Justice: and as
 surely as that Necessity does exist, and a binding force in the
 Proclamation or the Regulation of fees in the Land Office be ad-
 mitted, so certainly must the fees thereby established be paid, in
 Order to obtain Redress. In the Sentiments of a much approved
 and admired Writer, suppose the fees imposed by this Proclamation
 could be paid by the good People of this Province, with the utmost
 Ease, and that they were the most exactly proportioned to the
 Value of the Officers Services, yet even in such a supposed Case,