

as in the Act of 1676, and from 1692 to 1725, except for a very short Interval in Governor Hart's Time, Temporary Acts were passed from Time to Time for Limitation of Officers fees, with the same Proviso as in the Act of 1676.

L. H. J.
Liber No. 54
Nov. 30

Governor Copley was empowered by his Commission and Instructions from the Crown, to settle with the Council, the fees of Officers.

In their Majesties Commission to M.^r Blackiston in 1692 to be Commissary General, he was empowered to receive all Dues, Fees, Profits and Emoluments, belonging to his Office, as should be settled by their Majesties, or their Captain General and Council.

Governors Nicholson, Blackiston, Seymour and Hart, the successive Governors after Copley appointed by the Crown till Lord Baltimore was restored, were also respectively empowered to settle the Officers fees

In the Province of New York in the Year 1704 the fees of Officers were settled by the Governors and Council, and the Regulation, they established, has been continued to the present Time.

'Tis true that the Power given by the respective Royal Commissions, was seldom exercised, because fees were regulated, for the most Part, by Acts of Assembly, but it may be inferred from the Tenor of the Commissions, that the Prerogative of settling fees was claimed by the Crown, and, probably, it was a Power usually inserted in the Royal Commissions to the Governors of the Colonies.

You have seen that it has been exercised in New York. Shall it be said that King William, of Glorious Memory, Queen Anne, and George the First, were "Enemies to the Peace, Welfare and Happiness of this Province, and the Laws and Constitution thereof?" That the People of New York have been oppressed, and have tamely submitted to the Oppression? For a very short Time, during M.^r Hart's Administration, the Act for Limitation of Officers fees ceased, and thereupon his Excellency directed the Keeper of the Seal to affix it to no Paper, till the fee should be paid according to the Rate of the expired Law, in Cash at the current Price of Tobacco. Those Precedents considered, must not your Resolves appear extremely violent?

In the Year 1692, when Governor Copley attempted to regulate Officers fees, the Act of 1676 was in full force, and there was no Occasion to exert the Prerogative to prevent Extortion, or for any other Purpose, the Act being sufficient, and having excluded the Regulation by Prerogative, so that the Precedent from the Proceedings in 1692, which you represented as decisive, not being applicable, and the Precedents on the other Side being very numerous, you ought to be satisfied on your own Principle, that you have been too hasty.

If the Regulation of Officers fees be a Tax, which by the Con-