

L. H. J.
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stitution cannot be settled by any Authority less than the legislative, the Judges of the King's Courts in Westminster Hall, who have regulated the fees of Officers in various Instances, have been extremely culpable, and the juridical Decisions, as well as the Opinions of Lawyers of great Emmeince [*sic*], Lord Coke among the rest, have been erroneous.

In the Year 1733, Lord Baltimore by his Proclamation settled the fees of Officers. His Lordship did not proceed without good Advice, and if the Decrees and Judgments of all the Courts of Law and Equity within this Province, in innumerable Instances, are of any, and surely they ought to be of the greatest, Weight, his Regulation was legal; for the Costs in every Suit from 1733 to 1747 were decreed or adjudged in all the Courts, according to the Rates of his Lordship's Proclamation.

It is true that the Lower House in the late Session declared their Opinion, that fees could not be regulated by the Lord Proprietary, by himself, or the Advice of his Council, and threatened an Opposition to what was called in their Address the Usurpation of such a Right. My Answer was, that I had no Reason to imagine his Lordship's Authority would interpose in such a Manner as to justify a regular Opposition to it, nor have I yet any Reason to think that it has, tho' it has met with your Opposition and severe Censure. I was not so rash as to promise, or sanguine to expect, that any Measure I could pursue would divert the Aims of ffaction, or appease the Rage of Disappointment. The plain View of the Address was, that the Loss of the Inspection Law might be aggravated by the Confusion and Vexation which would naturally arise from the total Want of every kind of Regulation. Let it be supposed that Actions should be brought for the Establishment of each fee, or that Officers should be prosecuted for Extortion, who would be benefitted by the Litigation? Not the Community in General. Such Contests would hardly be desired by Friends to the Peace, Welfare and Happiness of this Province.

Not only your Regard for the Rights of the People in general, but even for the Officers, has disposed you to complain, that they have been illegally restrained. How far your Constituents may think themselves obliged to you for the Objection you have made against my Restrictions of the Officers, and Threats to remove them, should they commit Extortion, I cannot promise; but I must remark that you differ in Sentiment extremely from the Assembly in the Year 1739, for when Governor Ogle, in his Speech, proposed, in Order to encourage the Circulation of Paper Money, that the Officers should be compelled by an Act to receive their fees in Money, the Lower House answered, that it was in his Excellency's Power to command them; but he could no otherwise compel them to receive their Fees in money, than by the Threats of his Displeasure and his Power to remove them. How proper your Application of Part of my Message, on the Subject of M.^r Steuart's Imprisonment, is to