

made in 1661 for raising half a Pound of Powder and three Pounds of Shot by the Ton on such Vessels, and we as well know that by that Law, the same was not appropriated to the Proprietaries for their own Use, although they have ever since exacted the *Fourteen Pence* in lieu thereof, and applied the same to their private Benefit: We are not insensible of the King's Order in Council concerning that Money in 1692, but beg leave nevertheless to say, that whatever Obedience was paid to that Royal Order (which only did or indeed could regard the Application,) yet the Act whereby it was pretended to be taken being Repealed by another made in 1704, that Order must necessarily cease; and altho' we do not immediately pay that Money, yet as Merchants generally reckon Port and other Duties as part of the Cost of what they Sell or Transact, and account it as part of the Price of what they Purchase, we cannot but think it becomes a Charge on the Province at last.

We are sorry to find the Avenues to Justice in a great measure shut up to the People, by their being denied Access to some of the greatest Offices belonging to the Courts of Justice, and refused their necessary Business there, without the severe Terms of entering into Bonds with Judgments, some for Fees before they become due, and others with Conditions in large Sums on purpose to have Recoveries in the Courts, where the Fees will arise to Ten or more Times the value of the principal Debt, which by the Laws of this Province might be recovered at the expence of Half a Crown, and those Bonds yearly sent to the Sheriffs with discretionary Powers to put them in Suit, who, by Experience we find, have in many instances made the worst use of those Powers, in order to create Fees for themselves, as well as to the Party who takes such Bonds.

The Power of late assumed by his Lordship of Settling and Ascertaining the Fees of the Officers in the Courts of Justice by way of Proclamation, is what we cannot submit to without prostituting the Rights of his Majesty's Subjects within this Province; we do not know that ever the Kings of *Great Britain* exercised their Prerogative in such Case, especially since the happy Revolution, and on this Occasion we intreat your Excellency to consider that part of the Royal Charter, which directs, that no Ordinances made by the Proprietary, or his Heirs, their Magistrates, or Officers, without consent of the Freemen or their Delegates, shall affect the Right or Interest of any Person or Persons of, or in their Life, Member, Freehold, Goods or Chattels, which Clause is Consonant to the great Charter, to the Benefit whereof we hope we shall not be denied a Right. However, to avoid all Disputes on this Head, we had with great Pains and Application prepared a Bill for settling those Fees, and made them considerably higher than those of our Neighbouring Colonies, yet we cannot obtain the Assent of his Lordship's Council to
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