

302 VOTES AND PROCEEDINGS, SEPTEMBER 1770.

Agreeable to the Order of Yesterday, a Bill, entitled, *An Act for the Relief of Thomas Wrens*, was brought in, and read the First and Second Time, by an especial Order, and will pass. Sent to the Upper House by Mr. Griffith and Mr. Chafe.

They return, and acquaint Mr. Speaker they delivered the Bill.

The House was moved, That the Report of the Committee of Grievances, dated 28th May, 1739, and the Resolution of the House thereon, be read, and they were read accordingly.

The House unanimously concur with the said Report and Resolution.

ORDERED, That they be entered as Part of this Journal; and they are as follow.

“ *B, the* COMMITTEE of GRIEVANCES, May 28, 1739.

“ YOUR Committee observe, that the Fees of the several Officers and Ministers of this Province, their deputed Ministers, Servants and Officers, are in themselves, as now paid, excessive, great, and oppressive to the Subject; and that the said Fees are under no Regulation of any Law of this Province, that appears to your Committee. That the said Officers and Ministers, their deputed Ministers, Servants and Officers, by Power of a Proclamation of the Right Honourable the Lord Proprietary, dated the 14th Day of April, 1733, and One Order of Council, dated the 23d Day of April, 1735, and One other Order of Council, dated the 15th Day of July, hereto annexed, do charge, levy, raise and receive, from his Majesty's Subjects of this Province, such Fees so as aforesaid, burdensome, great and oppressive, to the Discouragement, Ruin, and Undoing of many of his Majesty's liege Subjects; and even the said Colour of Power is exceeded by the unlimited Will and uncounded Avarice of many of the said Officers, Ministers, and their Deputies.

“ Your Committee humbly observe, that by the royal Charter, the Resolves of your honourable House, and the common Custom of this Province, the Subjects here are entitled to the Customs, common Law, and the securitive Statutes of the Rights and Liberties of the Subjects in our Mother-Country *Great-Britain*; by which Custom of *Great-Britain*, such like Fees of the Courts of Justice, and the several Officers, have been settled by Acts of Parliament. Agreeable to which, your Committee further most humbly observe, that from the earliest Times, since the Settlement of this Province by *British* Subjects, such Fees have been adjusted and regulated by Acts of the General Assembly, and not by any other Power or Authority, till the aforesaid Proclamation. Your said Committee most humbly conceive, that such Proclamations or Orders of Council, charging his Majesty's liege and dutiful Subjects with any Tax or Tallage, are Invasions on the fundamental Constitution of this Province, and against the lawful Rights and Liberties of the Subject, and are in themselves and their Consequences very grievous and oppressive to his Majesty's liege Subjects, the Inhabitants of this Province: But the same is humbly submitted to the Consideration of your honourable House.

Signed per Order of the Committee,

J. B. BORDLEY, Cl.

“ On reading the Report, the Question was put, that the House concur therewith.

“ RESOLVED in the Affirmative.”

The Order of the Day, for taking into Consideration the Report of the Committee of Grievances and Courts of Justice, of the 30th of October, 1770, being read, the House resolved as follows:

RESOLVED UNANIMOUSLY, That the Representatives of the Freemen of this Province have the sole Right, with the Assent of the other Part of the Legislature, to impose and establish Taxes or Fees; and that the imposing, establishing, or collecting any Taxes or Fees, on or from the Inhabitants of this Province, under Colour or Pretence of any Proclamation issued by or in the Name of the Lord Proprietary, or other Authority, is arbitrary, unconstitutional and oppressive.

RESOLVED UNANIMOUSLY, That in all Cases where no Fees are established by Law, for Services done by Officers, the Power of ascertaining the Quantum of the Reward for such Services, is constitutionally in a Jury, upon the Action of the Party.

RESOLVED UNANIMOUSLY, That the Notes taken by *William Stuart*, Clerk of the Land-Office, from *William Hamlin*, *Thomas Elliott*, and *John Brooker Meek*, are illegal and void, and the Fees intended thereby to be secured are excessive, and not warranted by Law.

RESOLVED UNANIMOUSLY, That the imposing any Oath, not appointed and required by Law, is illegal and of dangerous Tendency.

ORDERED, That the said Resolves, with the Report, be immediately printed in the *Maryland Gazette*.

ORDERED, That the Serjeant at Arms, attending this House, do forthwith take into his Custody the Body of *William Stewart*, and have him immediately at the Bar of this House, to answer at the Bar of this House, for taking Notes of Hand for the Payment of excessive Fees in the said Office, not warranted by Law; and also for imposing an Oath, not appointed and required by Law.

On Motion, Leave given to bring in a Bill, for the Relief of certain languishing Prisoners in the several Jails therein mentioned.

ORDERED, That Mr. Chafe, Mr. Ringgold, and Mr. A. Hall, do prepare and bring in the same.

Mr. Chafe brings in, and delivers to Mr. Speaker, a Bill, entitled, *An Act for the Relief of certain languishing Prisoners in the several Jails therein mentioned*: Which was read the First Time, and ordered to lie on the Table.

*Walter Dula y*, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entitled, *An Act directing the Sale of Part of the Lands of Henry Baker, late of Cecil County, deceased, for the Payment of the Debts of the said Henry Baker*; thus endorsed: “ By the Upper House of Assembly,

“ Cl.