

From these Authorities we think ourselves well justified in asserting that the fees of Office are a Tax upon the Subject. The good People of this Province are undoubtedly intitled, as English Subjects, to all the Rights, Liberties, Privileges and Immunities of his Majesty's liege Subjects, born and residing within his Kingdom of England, and therefore need not recur to the Royal Charter of this Province for the Establishment of their Rights, Liberties and Privileges. But had your Excellency, and the Council adverted to it we apprehend the 7.th Section of the Charter which grants to Cæcilius Baron of Baltimore and his Heirs for the good and happy Government of this Province, free, full, and absolute Power "to ordain, make, and enact Laws of what kindsoever according to their sound Discretion whether relating to the public State of the Province, or the private Utility of Individuals, *of and with the Advice, Assent and Approbation of the Freemen of the same Province, or of the greater Part of them, or of their Delegates or Deputies*, whom we will shall be called together for the framing of Laws when and as often as need shall require by the aforesaid now Baron of Baltimore and his Heirs and in the Term &.^{ta}" would have most clearly pointed out a Necessity for the Consent of the Delegates, to this or any other Legislative Act: and the Eighth Section, which follows, "And forasmuch as in the Government of so great a Province, sudden Accidents may frequently happen, to which it will be necessary to apply a Remedy before the freeholders of the said Province, their Delegates or Deputies can be called together, for the framing of Laws; neither will it be fit, that so great a Number of People should immediately, on such emergent Occasion, be called together. We therefore, for the better Government of so great a Province, do will and ordain, and by these presents for Us, our Heirs and Successors do grant unto the said now Baron of Baltimore, and to his Heirs by themselves or by their Magistrates and Officers thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and wholesome *Ordinances* from Time to Time to be kept and observed, within the Province aforesaid, as well for the Conservation of the Peace, as for the better Government of the People inhabiting therein, and publickly to notify the same to all Persons whom the same, in any wise, do or may affect. Which *Ordinances* we will to be inviolably observed within the said Province, under the Pains to be expressed in the same; so that the said *Ordinances* be consonant to Reason, and be not repugnant nor contrary; but (so far as conveniently may be done) agreeable to the Laws, Statutes or Rights of our Kingdom of England; and so that the *same Ordinances* do not, *in any Sort*, extend or *oblige, bind, charge*, or take away, the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, *Goods or Chattels*, would most certainly, as it was designed, have had the Force of a Prohibition against this Exercise

L. H. J.
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