

L. H. J. touching on the Freehold and liberty of the Subject and whether any Facts mentioned in the preamble of the Said Act do in Law unqualifye the s<sup>d</sup> Macnemara from his practice.

Answer. I never knew or heard that the Legislature of any Civilized Country ever past An Act so Arbitrary and unjust as this Seems to be and I am verily perswaded that if Application be made to the Lords Proprietors they will refuse to ratifye it. And I am of Opinion that if application were made to the King in Council such an usage of one of his Maj<sup>ty</sup>s Subjects would be directed to be examined into, and if it proves as represented some redress would be directed which might in consequence affect the Interest of the Lord Proprietors and of the Colony of Maryland.

Jo: Hungerford 23 Aug<sup>t</sup> 1718.

The manner of passing this Act without hearing M<sup>r</sup> Macnemara in his own Defence is Contrary to the Common rules of Justice and is a Denyall of that right which Every Subject is by Law intituled unto for which reason as well as from the Nature of the Act itself which appears to be very Severe and is not Supported by former Instances in the like cases It deserves the reexamination of the Lords Proprietors and their dissent thereto if upon such examination it shall Appear unjust as is represented and more especially because the matters Suggested ag<sup>t</sup> M<sup>r</sup> Macnemara are not of themselves Sufficient to render him incapable of practiceing.

Question. Whether the said Macnemara by vertue of the said Act and exception made to the Saving is not disabled to carry on the Crown's business in Chancery.

The exception in the Saving being generall leaves Macnemara Subject to the disability imposed by the Body of the Act in consequence whereof he is disabled from prosecuting any Causes of the Crown in the Court of Chancery.

Tho Pengelly 1<sup>st</sup> 7<sup>ber</sup> 1718.

I am of Opinion it is not Proper to confirm this law but to repeal it for that it passed hastily without hearing M<sup>r</sup> Macnemara which was against Naturall Justice to punish a man Unheard and without giveing him an Opportunity of being heard besides the Allegations of the Act are too Generall the particulars of the Crimes not being expressed.

However I am of opinion if a practicer behave himself disrespectfully or insolently to any Court in Court Such Court hath power to record the words which make the offence and to Suspend the offender from practice in Such Court and if the offender be ordered to Submitt to the Court and beg pardon