

selves Groundless and that his Greatest Enemies have not L. H. J. been able to prove any undue or unfair practice against him. Upon which State M^r Hungerford gives his Opinion that the Act seems to be Arbitrary and unjust and that it ought to be Examined into, and if it proves as represented (to witt Groundless and that no undue or unfair Practice could Ever be proved ag^t him) there Ought to be some redress.

Serjent Pengelly That the passing the Act without hearing M^r Macnemara is Contrary to the Common Rules of Justice and a Denyall of the Subject's right That the Nature of the Act being Unprecedented and Severe ought to be reexamined and dissented to if it Appear Unjust as is represented and that the Matters Suggested ag^t M^r Macnemara are not of themselves Sufficient to incapacitate him. p. 105

S^r Edward Northey. That M^r Macnemara Ought to have been heard and that the allegations of the Act are too Generall and that the being of Council for Malefactors, the Council behaveing himself with Duty and respect to the Courts is not to be Objected against him, But that if a practitioner 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 begg pardon for his offence, and he refuse so to do, or the offence be extraordinary or repeated, the Court may deprive the offender of his practice in that Court and if such records be made in Severall Courts, or if he be Convict of offences against the Courts and he refuse to Submitt or be generally insolent, and misbehaving himself to the Courts of Justice, and his offences Multiplied it will be Just and Reasonable for the Assembly on hearing such offender or giveing him Opportunity of being heard and haveing Satisfaction of his Guilt for the Quiet administration of Justice and the Supporting of the Courts by Act of Assembly to make him Uncapable to practice any more in any Court within that Island.

On Which we remark that if that Act had Appear'd ground- p. 106 less and the Allegations therein as false as represented by the State of the Case we should agree with the opinions of those Learned Council that the Act ought to have been dissented to, but as it Appeared Otherwise to us who knew the facts, and the Contrary did not appear to them, We take it that their Opinions in that point were in favour of the Law which were only given against it on the Condition of its falsity. That by Sergeant Pengelley's Opinion the Matters Suggested in that act are not Sufficient to Incapacitate M^r Macnemara, which Matters are these Viz: Contemning the Au-