

Obedience to those Laws & to Punish the Transgressors of them L. H. J. under this Express proviso Provided Nevertheless that the said Laws be Consonant to Reason and be not Repugnant or Contrary but as near as Conveniently may be Agreeable to the Laws Statutes Customs & Right of this our Kingdom of England, It is Conceived that this Act of Assembly is neither Consonant to Reason nor Agreeable to the Laws of England And it Cannot be pretended that the Circumstance of the Country when the Act was made rendered it Necessary to make that or any other Law Dissonant to Reason or repugnant or Contrary to the Law of England nor were there any Complaints of the Matters Suggested in the Preamble of the said Act that appears by the Proceedings of the Assembly nor was any one Practitioner of the Law Charged before them with Exacting more than the Law Allowed or Called upon to Answer any Such Complaint

1 Qu. Whether the Oath prescribed by this Act of Assembly is not inconsistent in it Self (if Intelligible the former part of it being an Absolute Negative as to the taking any thing at all for the Services &c. in the Law tho the Latter part of it Mentions & Limitts fees that may be taken).

The Intention of the Legislature in directing this Oath Appears to be, that the Practisers of the Law should swear not to take any Other fees Except Such as are Allowed by this Act of Assembly, But it is penned in Such a manner as to be Liable to the Objection Mentioned in this Query and is Insensible

2 Qu^r Whether it is Just reasonable or Agreeable to the Laws of England to Oblige a Man to Swear he will not Receive the Value of his Labour & Pains in his Lawfull Calling tho' his Employer thinks he well deserves it & Offers it him. P. 195

Attornys being in the Nature of Ministers to Courts of Justice, it may be reasonable to Limit & Settle their fees & to Prevent Secret Methods of Extortion; if such were Growing up, it may not be against reason to restrain them in Some Instances from taking more, tho' it should be offered, But I Conceive that the Provision made for that purpose by this Act is unreasonable, because it Directs one Entire fee to be taken for Prosecuting or Defending any Suit from the beginning to the End of it, Whereas the Labour and pains in Attending a Suit will Differ according to the Length of it and the Method and Practices Used by the Adversary, for which reason the Reward Ought to Differ, it Seems to me that the Proper Provision would have been to Establish Certain fees for the Particular Services or part of Business to be done by an Attorney or Lawyer in any Suit.

3 Qu^r Whether every British Subject has not a right to dispose of his Own in what manner to whom and in What Proportion he Pleases for any Lawful Services done him Whether it is not Inconsistent with that Right to put any Subject under a Restraint of rewarding a Person that has Acted faithfully and honestly in his