

L. H. J. Profession & been Very Serviceable to that Subject who is Sensible of it and would give a reward Adequate to the Service done and Whether it is not Lawful to give any Person a Gratuity to Encourage him to be just and Diligent in his Profession and Unlawful and unjust to restrain any Person from so doing.

There can be no doubt but every Subject has a right to dispose of his own property but that Right is Subject to the Controul of the Legislature in particular Instances who for Just reason is to prevent Secret ways of Extortion and the Excessive enhancing of fees may Prohibit one from giving and the Other from receiving more than such a Certain fixed Sum. But then, the reasons for doing this ought to Appear Very Strong & Cogent and to be made out by Evidence of facts.

4. Qu^r Whether it be agreeable to reason to the Law of England or the Liberty of a Subject to divest Men of their Property and the Lawful Means of Supporting themselves & familys with bread who
p. 196 are not so much as Charged with having Transgressed any known Law or to put men of any Lawful Profession or Calling that are not Convict of any Misbehaviour in their Calling nor of Transgressing any known Law of the Land under any worse Circumstances as to their Property than the rest of their fellow Subjects.

I think this would be unreasonable.

5. Qu^r Whether is is Agreeable to the Law of England or the Liberty of a Brittish Subject that he should be proceeded against & Condemned in a Sumary way where the fine is Very Considerable and Perhaps the Very persons that are to be his Judges are his Adversarys & to deprive him of a Tryal by Jury which is Conceived to be his birth right without any Apparent necessity.

I think it is not agreeable to the Law of England to direct Penalties of this kind, Especially of such Value to be recovered in a Sumary way, that in this Case the Partie Ought not to be deprived of a Trial by Jury. But the Provision for recovering this Penaltie is Extreamply imperfect no Method of Proceeding or Levying the Penaltie when recovered being directed by the Act.

6. Qu^r Whether the Prohibiting a man from Prosecuting or Defending any Action brought by or against him puts him not in a worse Circumstance than that of out Lawry or Excommunication and whether in reason or Justice the refusing the Oath proposed ought to be punished with such Severities.

This Provision seems to me to be too Severe & in all respects Improper

7 Qu^r Whether the Act of Assembly now under Consideration be not dissonant to reason and repugnant to the Law of England & whether the Enacting such Laws be not Contrary to the provisoe in the Charter.