

I am of the Opinion that this Act of Assembly is not Agreeable to reason and therefore is Contrary to the Provisoe in the Charter.

Ap<sup>r</sup> 9: 1726

P. Yorke

L. H. J.  
[This opinion is printed in Chalmers' Opinions, p. 208] p. 197

M<sup>r</sup> Talbot the Sollicitor General's Opinion on those who practice the Law in Maryland on an Act past in the year 1725.

1 Qu<sup>r</sup> Answ<sup>d</sup> It is not properly Expressed nor can be made Consistent with it Self but by taking the words any greater or other fee &c. to be Explanations of the word any fee in the former part of the Oath.

2. Qu: There is nothing unjust or repugnant to the Laws of England in Obliging a man not to receive for his Labour more than the Stated fees Allowed by the Laws in being but in this Instance it is highly unreasonable and will Introduce Ignorance & Negligence in the professors of the Law and in Consequence prove injurious to the Clients whose Causes frequently depend for their Success upon the Industry and Ability of those who manage them, if there is no Possibility of receiving a reward Adequate to a mans Labour & pains, it is not to be Expected that he should take any to deserve it.

3: Qu: This is Answered in what was said upon the last Query.

4: Qu: I think it Extreemly unreasonable and the former Law which Compels them to Serve for Small Stated fees very Severe.

5: Q: It is unusual and a Precedent of Dangerous Consequence & therefore not proper to be made by a New Law

6: Qu: This seems to be unjust especially with regard to defend- ing Actions which it is in no man's power to prevent being brought against him and which however by this Provision he may be disabled from making a proper defence (if the Law be intended to Extend to those who are not Resident in Maryland which the Proviso seems to Intimate tho' the Enacting part is Confined to the Inhabitants) it is unjust Since they Can neither Sue nor defend properly without having their Agents there, And if they are not there themselves they will have no opportunity of taking the Oath prescribed.

7. Q: I am of Opinion that it is dissonant to Reason and in that Aspect repugnant to the Proviso in the Charter

C: Talbot

John Hall Esq<sup>r</sup> from the Upper House delivered to M<sup>r</sup> Speaker the Petition of Thomas Worsley Indorsed thus.

By the Upper House of Assembly 26<sup>th</sup> May 1730

Read and referred to the Consideration of the Lower House of Assembly p. 198

Signed p Order Jn<sup>o</sup> Ross Cl. Up. Ho.