

If the Commissary General, Secretary, Clerks of Counties, Examiner and Surveyors or any of them have Charged Fees the old Regulation does not Justify, and the Provisions of it really require Explanation Correction, alteration or Enforcement, a Competent remedy might easily have been introduced on a Conference, but we must take the Liberty to remark, that whatever your Informations and Enquiries and Opinions may be, we have very great Reason to suspect that the Representation, (let the Design of it be what it may,) aimed at in your Questions cannot be maintained on just and legal Grounds.

U. H. J.
Liber No. 36
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The Principle you advance is certainly true, that where a Law expressly regulates and ascertains the Reward to be Paid for a Service, it ought to be observed, A Principle which Regards not Persons their Callings or their Professions, but equally extends to all, and if there be any Reason for Inforcements in particular Instances, it results from the Circumstance, that in such Instances, the Power to extort and address is less resistable than in other, The Officer without doubt ought to be held to a Strict observance of the Restrictions Provided to Controul his Conduct, if he does not observe them he is punishable, but yet there are favourable Opportunities given, by which Oppression in this Case may be avoided. The Service is done on Credit, The Fee for it must be Stated in Writing, if the Demand be illegal it may be refused and Contested, the Lawyer, by An Act of Assembly expressed in the Clearest Terms, is Prohibited from asking for demanding receiving or taking any greater Fee than is thereby Established, on the above Principle he ought to be held to an observance of this Law. He moreover has it in his power to oblige the person who wants his Assistance, before the Business is undertaken to Pay his Demand, Hence he has it more in his Power than the Officer to extort and Oppress, and therefore if a Difference should be made between them it ought rather to be in binding the Lawyer with more Strictness than for the Officer, but though you cannot deny the Existence of the Law, which lays these Restrictions on the Lawyers, Yet you are of Opinion that he, with more Power to oppress, ought not to be so Strictly Bound as the Officer, who has less, because you suppose we Proposed the Amendments to your Bill entitled "An Act to ease the Inhabitants of this Province in the Payment of Attornies Fees" with a view "to destroy those of the Profession who have concurred with others in opposing the Encroachments of Power" If an Observance of the Law would be really so mischievous as to destroy these Gentlemen, it ought to be repealed, or rendered less rigorous; for a Law which intends to bring Destruction upon the Objects of it, without their Fault is cruel indeed, and a Law that [ought not] to be observed is extremely injudicious, and therefore ought to be abrogated, and especially as the Example in Violations of it may have a bad Effect upon the

p. 517