

chial Levies of Forty Pounds of Tobacco per Poll. If the Act should happen to be a Loss to the People, in lessening their Quantity of Tobacco, and not raising its Value, they are at Liberty, and will, no doubt, make up their Losses, by other Uses of their Land and Labour; but the Clergy have no other Means of Subsistence, than what arises wholly from those Levies; it is neither consistent with their Character to make use of any other; nor doth it seem agreeable to the Wisdom of the People, to put them under a Necessity of using any other.

8. Because the Alteration of the Time for the Sheriff to bring in his Annual Accounts of Tobacco, is very detrimental to the Creditors, whether Clergy, or others; who, by this Means, will lose the Opportunity of disposing of their Tobacco within a reasonable Time, and not to the same Advantage with the rest of the People.

And the following Case, viz.

*The CASE of those that practice the Law in Maryland, and of those that trade to that Province.*

**I**N the Year 1715, an Act of Assembly was made, to ascertain the Fees of Attorneys, and other Practitioners of the Law in Maryland; by which Act, they are expressly prohibited to exact any more than what the Act allows, and the Penalty is no less, than an Incapacity for the future; which Act is a perpetual Law, and still in Force. — And by another Act likewise in Force, any Attorney that shall refuse to undertake a Cause, for the limited Fee, forfeits, for every Refusal, 500lb. of Tobacco, and is to be suspended his Practice for a Year; yet the Assembly, in October, 1725, pass'd the Act annex'd, which makes no Alteration in the Fees.

**N. B.** All those that practice the Law in Maryland, let them be of what Degree they will in the Profession, are Attorneys, and have always taken the Oaths of Attorneys, and are obliged to do, not only all the Business of Attorneys, Solicitors, and Council, but very often of Book-keepers, in drawing and stating the Accounts of their Clients; without which, such Accounts would not be intelligible; And of Surveyors too, in all Causes relating to the Bounds of Land, which are much the greater Number; of Ejectments, and Actions of Trespas, and even of drawing the Entries of Clerks, and Returns of Sheriffs, to prevent Errors in the Proceedings. These Circumstances have very frequently induced the Clients to give the Lawyers such Gratuities as they (the Clients) have thought reasonable Compensations for the Services done him, or which they expected, of which, they (the Clients) were always the Judges; and it is to be presum'd, seldom exceeded what was reasonable; and the Lawyers dare not insist on any Thing more than the limited Fees. Tobacco being the Staple Commodity of Maryland, the Lawyers Fees are limited and paid in that Specie, which is generally collected by the Sheriffs, who have 10 per Cent. for their Commission; which, with other Deductions, commonly amount to 20 or 25 per Cent. And the Lawyers are frequently oblig'd to go to Law with the Sheriffs for their own Tobacco, especially, when it is of any Value; and very often, by the Insolvency of them, (the Sheriffs) and their Sureties, either lose it, or are obliged to make disadvantageous Compositions, after the Loss of much Time, and a good Market, and after having been at a very great Expence; to avoid which Inconveniency, the Lawyers have frequently sold their Tobacco to their Clients, sometimes for the Current Price, and often for less: But by this late Act of Assembly, they (the Lawyers) are prohibited to take more than 10s. Current Money, (which is but 7 s. 6 d. Sterling per Cent.) of their Clients; tho' some of them would much rather pay the Market Price, if twice that Sum, than Tobacco, in Specie, which People cannot do at some Seasons of the Year, without great Inconveniency; especially, when their own Tobacco is disposed of, and they are obliged to buy of others at a Disadvantage. Then the Lawyer is reduc'd to the unhappy Necessity of putting his Client to Inconvenience, thereby obliging him, and lose his Business, or give up a Part of his Right, by selling at any under Rate. People are encouraged to make or deal in any Sort of Commodity, that is sometimes of very little Value, in Expectation of its advancing, and of their receiving the full Benefit of that Advance; which, it is presum'd, every one has an undoubted Right to, as well to dispose of every Thing that he has any Property in, to his best Advantage: But this Act of Assembly, tho' it allows a Person that practices the Law, a certain Quantity of Tobacco for his Fees, yet it restrains him from selling that Tobacco for above such a Price; which Restraint will appear to be the more unequal and unjust, when it is consider'd (that as the Fact really is) Tobacco is a very precarious Commodity, and sometimes not worth 4 per Cent. in many Parts of the Country, and very few Buyers at any Price; and that then the Lawyer will be sure to have his Fees paid him in Tobacco, when it is not of any Service; but when it is valuable, he is excluded a Share of the common Benefit. Besides the Hardship put upon the Lawyers, the Clients are depriv'd of the Service of those Lawyers that they actually employ'd and paid Fees to, in the Business now depending, and that will not qualify themselves by taking the Oath prescrib'd; which very few of the Profession, that are not induced thereto by mere Necessity, or very ignorant, will do; and those that Trade into the Province (tho' it is known that the Inhabitants cannot subsist without being supply'd by them) are put under an unheard of Difficulties and Hardships, by the following Proviso.

Provided, that this Act, nor any Thing therein contained, shall extend, nor be custom'd to extend, to hinder any Person or Persons resident beyond the Seas, or in any of the Neighbouring Provinces or Colonies, being Plaintiff or Defendant, in any Action hereafter to be commenced, who are not actually in this Province, or represented by their Agents or Attorneys in Fact, at the Time of commencing such Action, from prosecuting or defending their Action aforesaid, without being tied down to the taking the Oath or Affirmation (if a Quaker) of Plaintiff or Defendant aforesaid. Any Thing in this Act to the contrary, notwithstanding.

Tho' seemingly made in Favour of Non-Residents, yet as it is penned, it is conceived, puts them under this Dilemma, that if they have Agents or Attorneys in Fact, in the Country, they (the

Now;