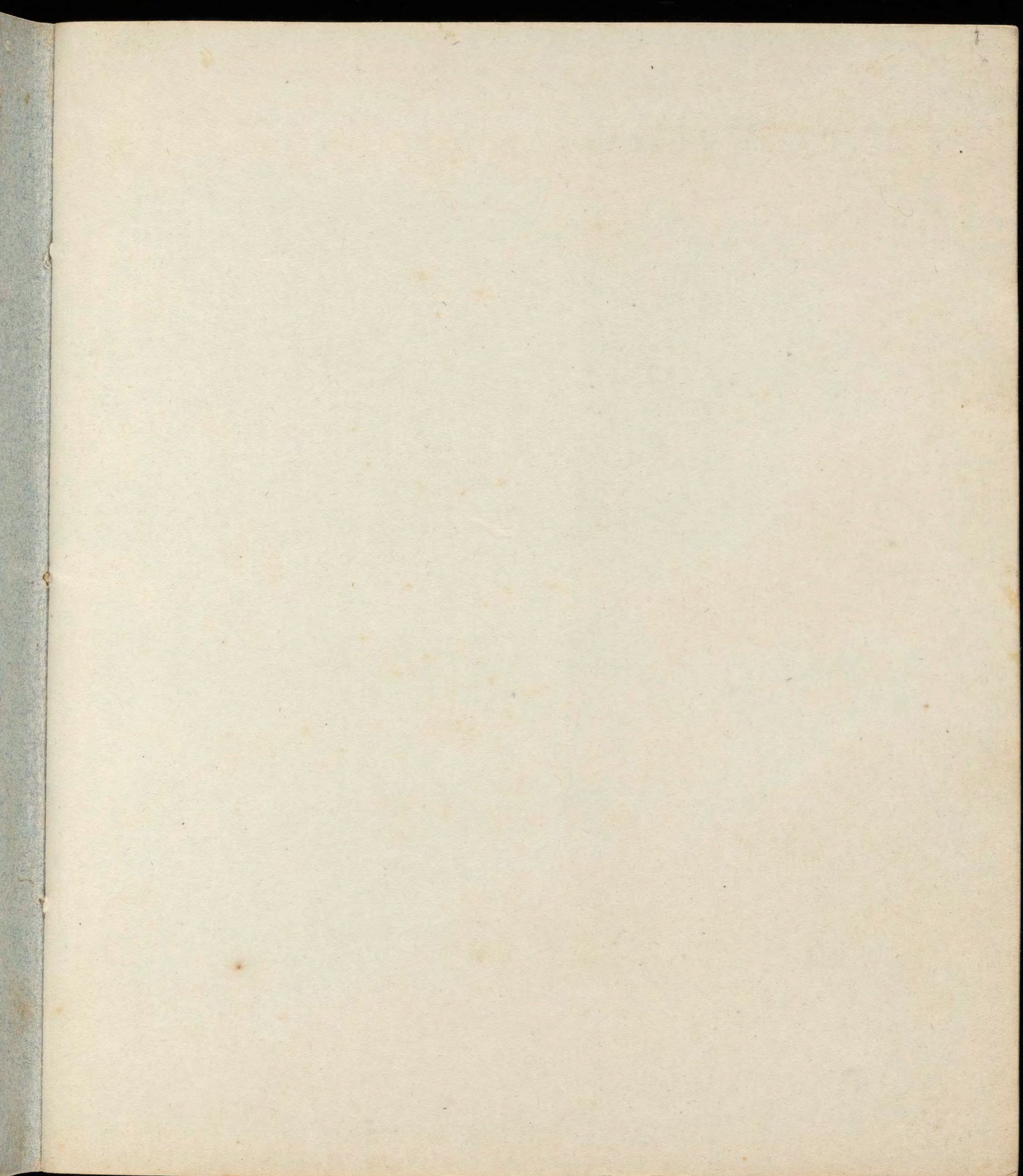
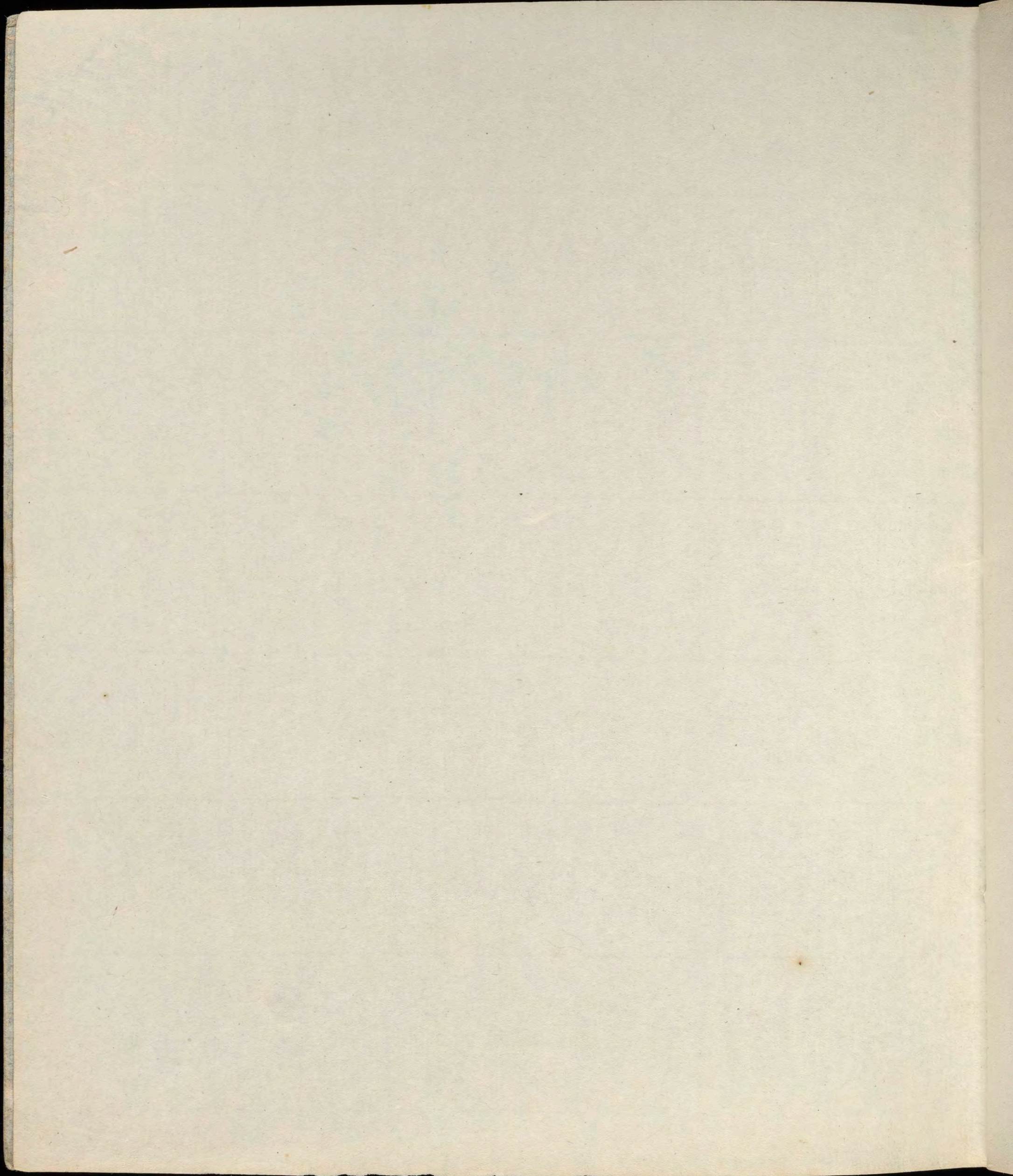


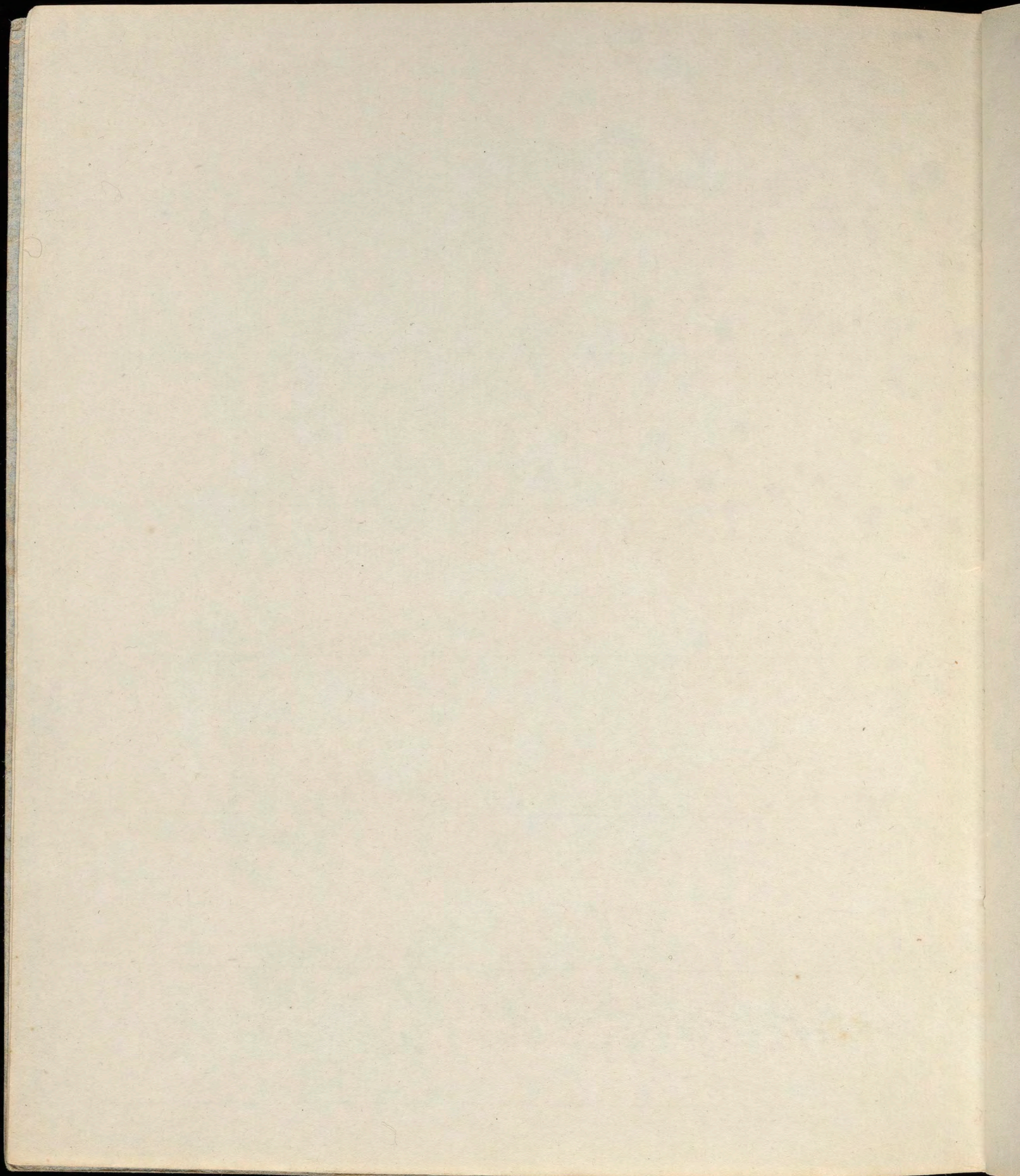


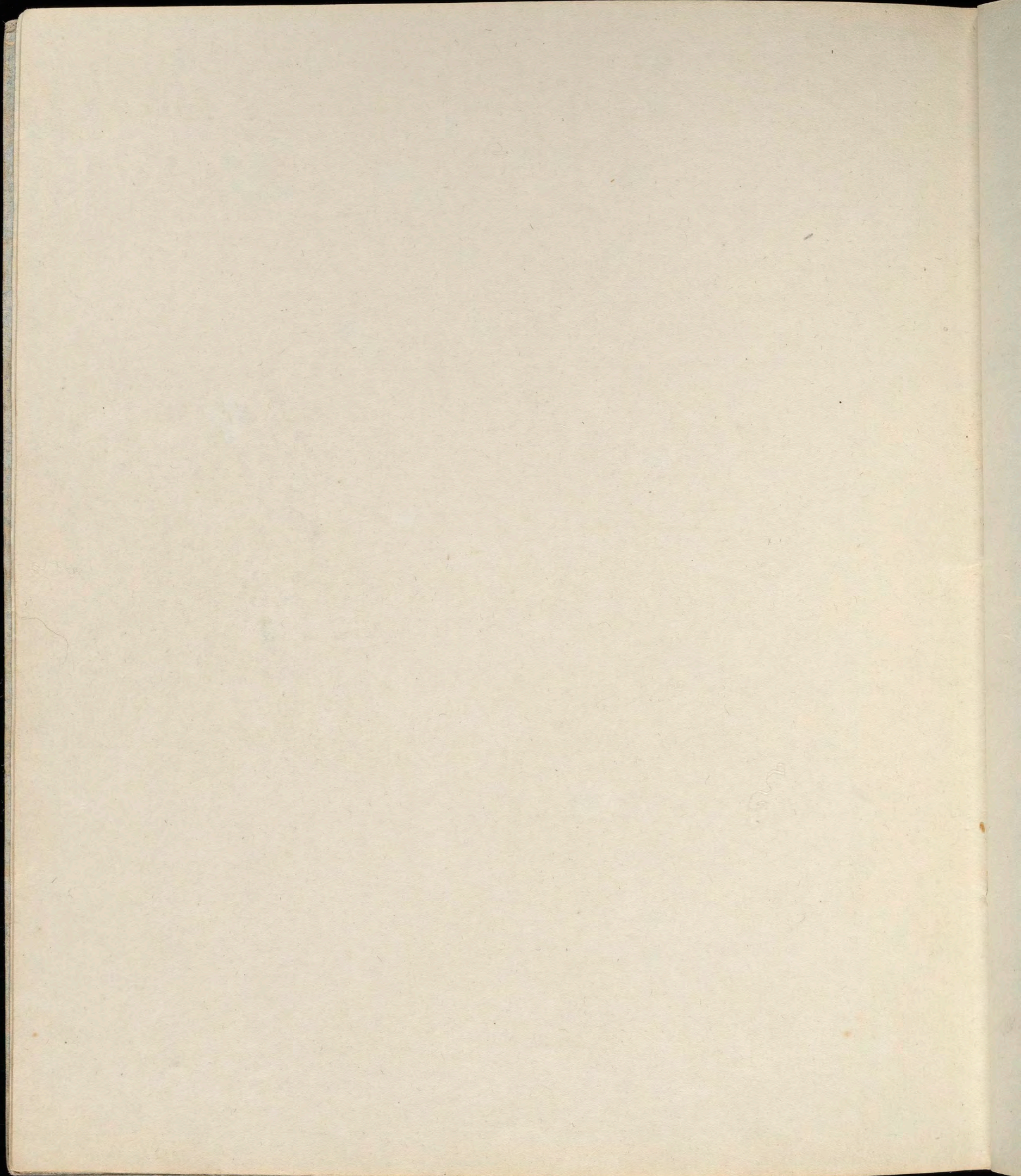
11
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4

You have heard much concerning the Forms of
Process and Proceedings and Pleadings. Much has
been written in Praise: Much has been written
in Ridicule of this Part of Law Learning. It
has certainly been abused. In some Hands, it
certainly has become, and daily does become re-
-decentious: And what is there that has been exempt-
-ed from a similar Fate? Religion herself, ele-
-gant and simple as she is, yet, when dressed
in the ^{language, or language} ~~and~~ ^{and} ~~Robes~~ ^{and} ~~put upon her by the~~
false Taste of her injudicious Friends, some-
-times assumes a ridiculous Appearance.

Law has experienced the same Treatment
with her elder Sister. ^{But} Though the Learning with
Regard to Pleas and Pleading has been abused;
it may ^{certainly} be employed for the most excellent Pur-
-poses.

When properly directed and properly used,
the Study of good Pleading is, indeed, in the Law,
-equage of Selleton, ^{and of the} a most honourable, a most
laudable

laudable and most profitable Thing in the
our Law of England. Let me also adduce in their
Favour the weighty Testimony of Earl Mansfield.
The substantial Rules of Pleading, says this very
able Judge are founded in strong Sense, and in the
solidest and closest Logic, and so appear when
well understood and explained: Though, by being
misunderstood and misapplied, they are too often
made use of as the Instruments of Chicanery.

Permit me to add, that some of the Forms of Writs
and Pleas, particularly those that are most ancient
are Models of correct Composition, as well as
of just Sentiment.

The

A Proport is confined to Deeds. 4. Bac. 189. Would it not be
useful to extend it to commercial Instruments? When
Dof's Deed is in Plf's Hands the Court will grant Impar.
- lances till he produce it. Str. 1186.

+ Of ancient Time, if the Deed appeared to be void or voidable
in Pleas material, the Judges, on their Oath, adjudged the Deed
to be void: But of latter Times the Judges have left to the
Jury to try whether the Reason were before the Delivery.
Som. 2256.

5
Profer — "And he brings here into Court the Writing obligatory aforesaid; which testifies the Debt aforesaid, in Form aforesaid; the Date whereof is the Day and Year before-mentioned.

Oyer — "Saying when he, and craves Oyer of the said Writing obligatory, and it is read unto him: (in the Form aforesaid) He likewise craves Oyer of the Condition of the said Writing, and it is read unto him in these Words. B

3. Bl. Op. 22.

3. Bl. 229.
Upon Oyer the whole is entered perbatum on the Record.

4. Bac. 109. 113.
Though the Word imports only that the adverse Party is to hear the Deed read; yet, as his own Charge he is entitled to a Copy of it, before he can be obliged to answer to it.

3. Bac. 109.
The Reasons why a Profer is made are 1. That the Court may, on Inspection, judge concerning their Sufficiency, their Nature, and their Evidenti-
-bility. 2. That the adverse Party may have a Copy of them

The History of a Suit at Law, from its Commence-
-ment, through all the different ^{Steps} ~~Stages~~ of
its Progress, to its Conclusion, presents
an Object very interesting to a Mind
sensible to the Beauty of strict and ac-
-curate Arrangement. The Dispositions of
the Drama are not made with more Ex-
-actness and Art. Every Thing is done by
the proper Persons, at the proper Times, in
the proper Places, in the proper Order, and
in the proper Form. This will appear par-
-ticularly afterwards: At present, we speak
only of the first Exhibition of the Instrument,
on which a Suit is brought.

6

Omission of a Proof is Matter of Substance, and
rests upon a general Demurrer L. R. Co. 762.

If it is in Possession of the adverse Party, who will
not produce it, the Want of a Proof will be
excused. Gilb. 94.

Notwithstanding a Casualty by Fire, a Proof
is indispensable; for the Law will rather suffer
a Mistake in a Private Case; than that an In-
convenience should be brought upon the Public.
10. Co. 93.

Even when the Def. had the original Lease, the
Court would not dispense with Oyer. Str. 1186.

If a Bond be lost or destroyed, without any Fault
in the Obligor or any blameable Negligence in
the Oblige; can an Action be supported on it
on Proof of the Contents. In other Words, are
a Proof and Oyer, in this Case, indispensable?

* Officer secret - Seize - grand jury - study Rules of Evid. Comp. of Jury

7
January 1st 1791

Mr. Clymer reads the Bill.

Mr. Hapkinson - Cont.

1. Abuse. 2. improper, unfair - Already there are Advan-
+
tages enough.

Jury have nothing to do with Questions of Law - leaving Testimony
is their Guide.

The Judge on his legal Oath.

At. Gen. not ^{nor his Duty} interested to convict - Protector and Friend of the
Citizens - represents the Common - and consequently the
Citizens.

Improper Use of the pardoning Power.

Council sometimes admitted in the newspapers, though under
Restrictions

19
Mr Read. Pro

1. from Reason - Distinction of Evils known only to professional Characters -

Judges have not Means of professional Discrimination.

Judge and Counsel! He knows not the Law from the Friend of the Law.

In inferior Courts - why not in superior ones?

Am G. B. 167 Capital Crimes

A severe Code must be consistent with strict Forest Laws.

The Privilege of Beneficial Counsel lost soon after the Conquest!
It was again introduced along with the Right, by the
Reformation of the Saxon Institutions

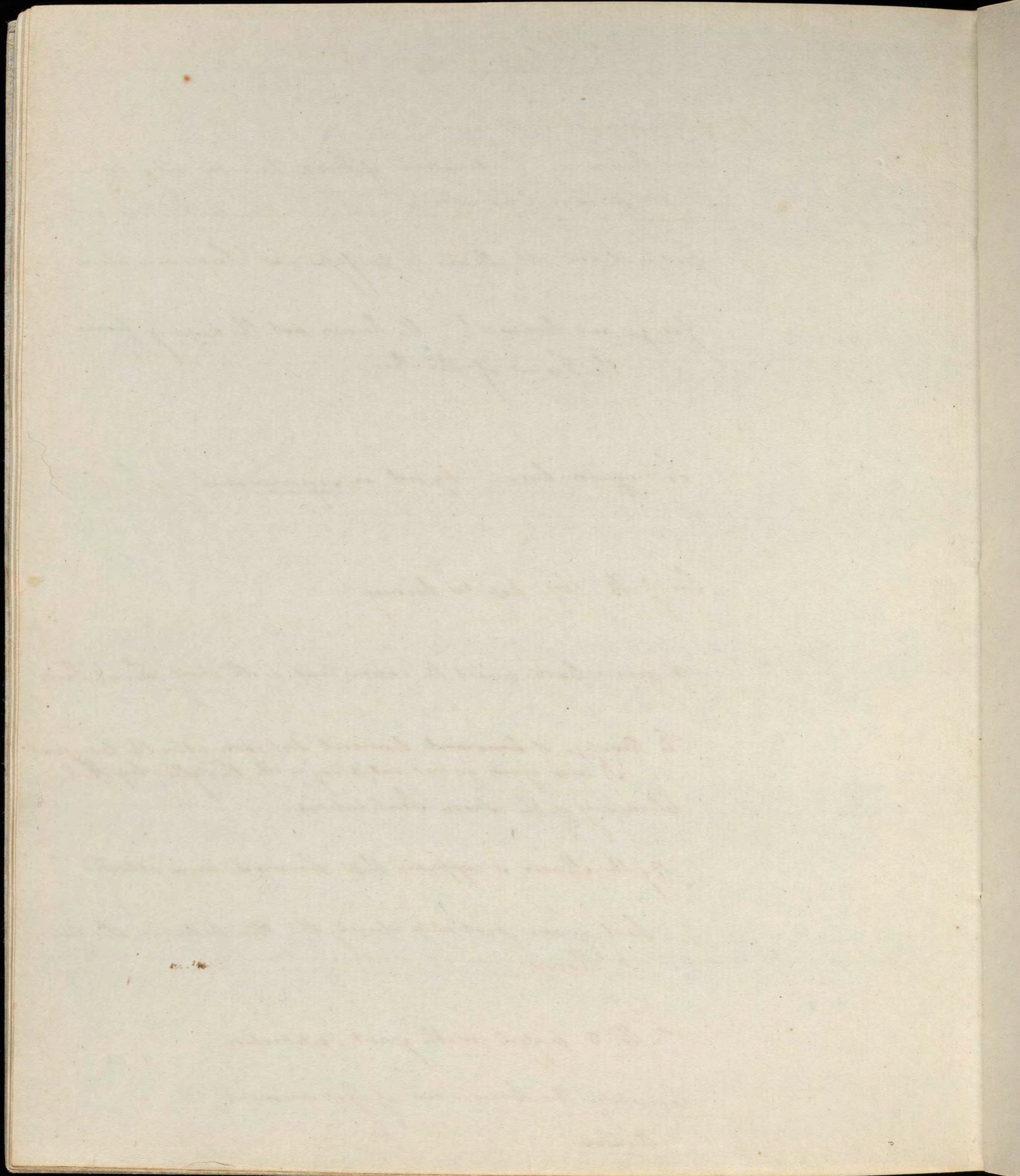
By the Mirror it appears that Counsel were allowed.

Lost again, probably during the War between the two
Roses.

7. M. 3. passed with great Opposition.

Equality the Basis now of Government.

Winton.



9
Mr H. Clymer. Govt.

Sir Edward Coke's opinion

Even in England ^{a Monarchy} there is no necessity found for
Council - why then under a Rep.

Inconvenience already - unaccountable of
Council men admitted.

Pardon will remedy any inconvenience of the Want
of Council.

Not a single Edition in Penn.^a under Mr. Dickinson.

Council banished from State's Rep.

The Anepagos.

The Elogium of Demost. rescued Athens against the
Advice of Phocion.

Cato's Letters - Legation - Cesar - Juny

Addition of Security to Life in Society.

L. Bl. 348

10
Mr. Hoppeler, Pro.

1. On Authority. 2. Principle.

A. A. 89 Council admitted -

established by the Constitution.

In Athens probably, the laws were plain and few.

In the Sup. Court, it has been held that no Evd. on the Part of the Pres. can be given to the grand Jury.

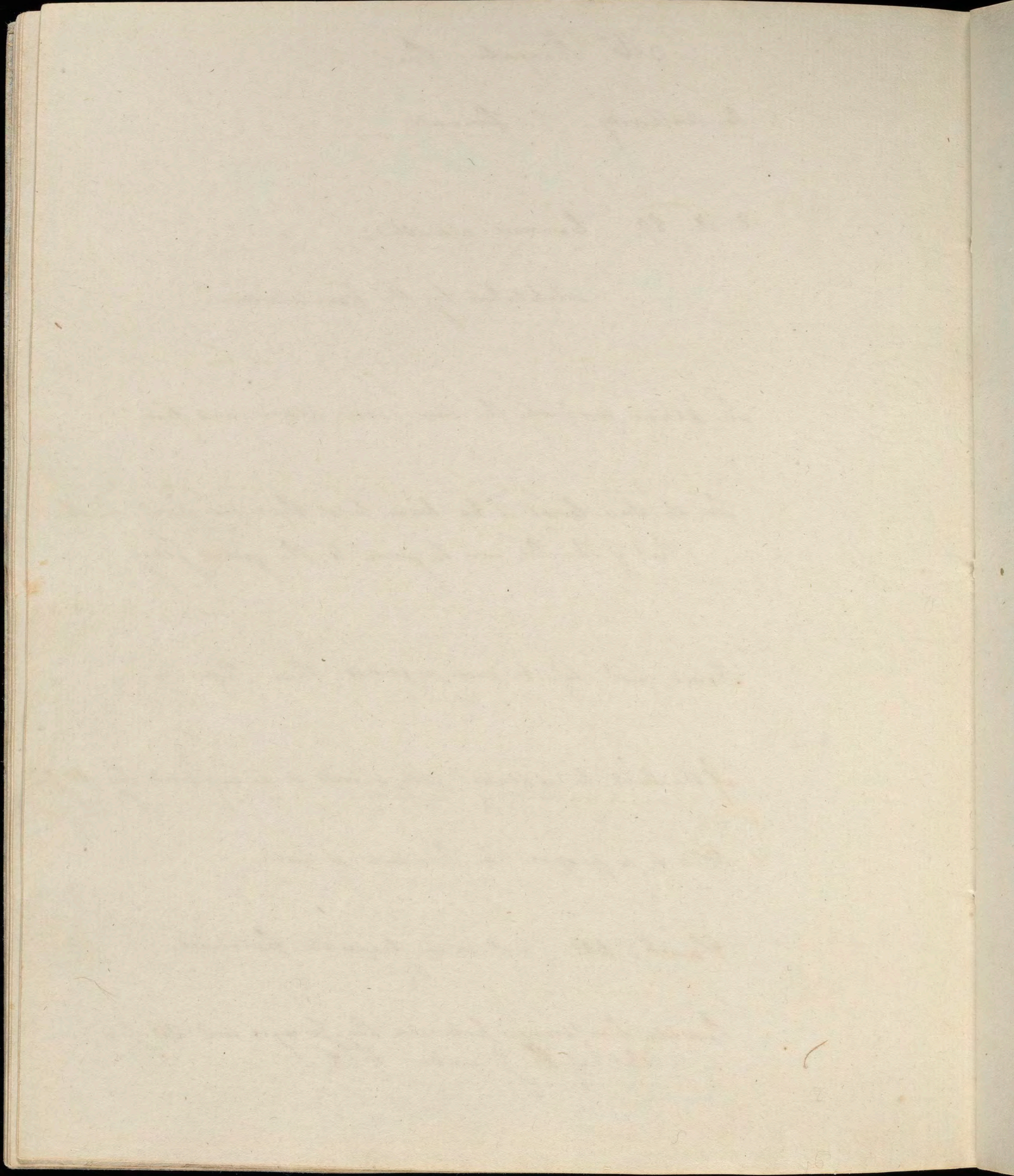
Should not life be more regarded than Property.

If the Evd be so plain; why should it be enforced by At. Gen.?

Who is to propose the Question of Law.

Hawk, 401. not even private counsel.

Private Conference between the Judges and At. Gen. -
At. of C. J. under H. 8.



Mc Rodney. Cont.

1. Does the Law become a separate Profession
2. ~~Can~~ ^{Are} Lawyers useful or hurtful
3. Are they useful in the Law.

Becaria — Happy is that Country where
the Law is not a Science

Pot. Antig. — no Fees taken by Lawyers — nor among
the Romans — nor among the Saxons. 3. 12.

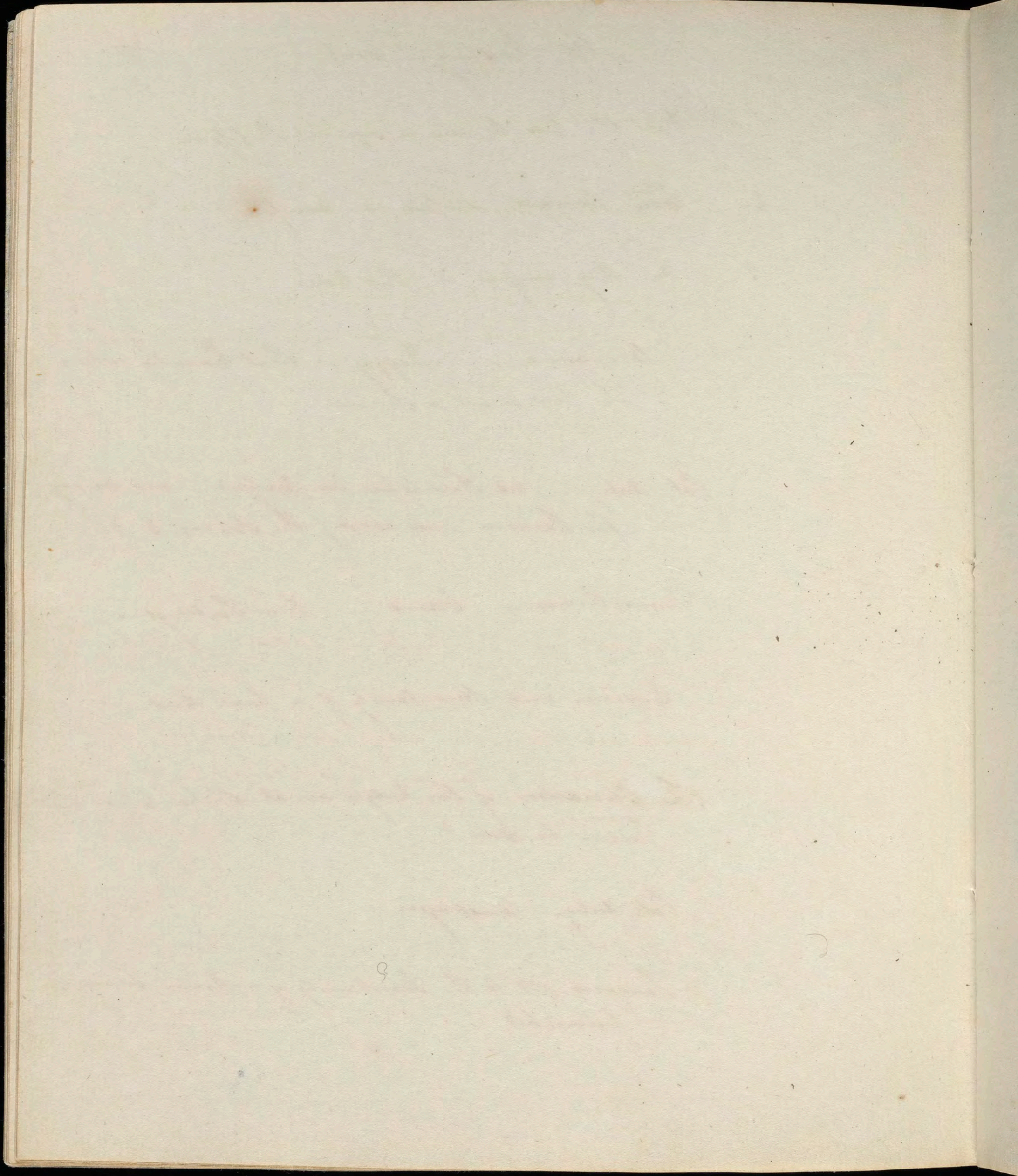
Demosthenes — Cuius — their Fortunes —

Expence and Uncertainty of a Law. Suit —

The Character of the Judges an at Stake to see that
Justice be done.

Pot. Antig. Anspagers.

Lawyers add to the Uncertainty of a Cause being
provisioned



12
N.B. Condy. Pro.

The internal Advancements of America — new Improvements

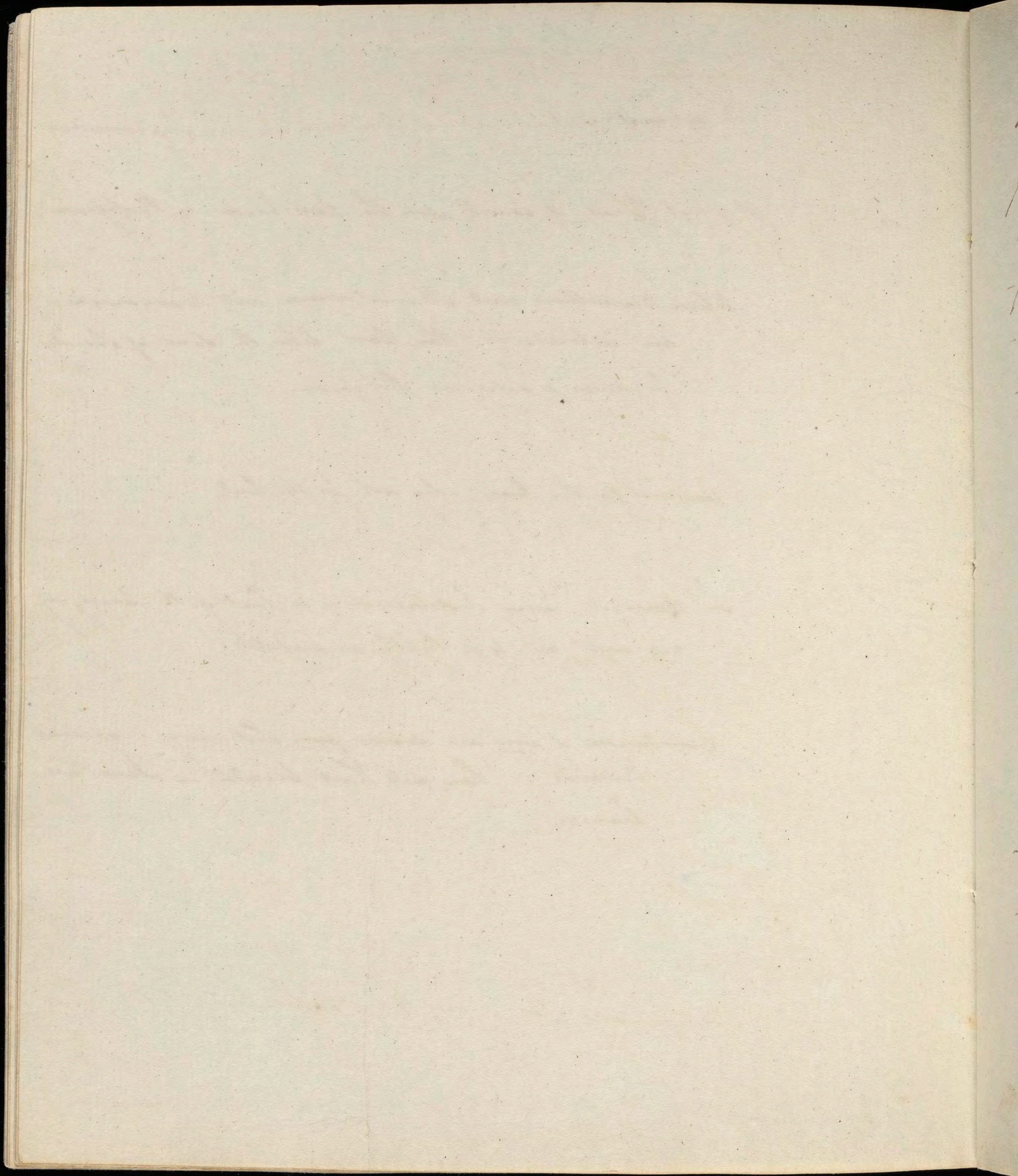
At what Period of Society does the Law become a Profession?

When Agriculture and Manufactures and Commerce
are introduced; the Law, like the Soul of Society,
becomes a separate Profession.

Account for the Pros. why not for the Cons?

In America every Individual is a Part of the Sovereignty
and ought not to be lightly amputated.

Conclusions of Law are drawn from Testimony — special
Verdicts — Law and Fact blended in almost all
Cases.

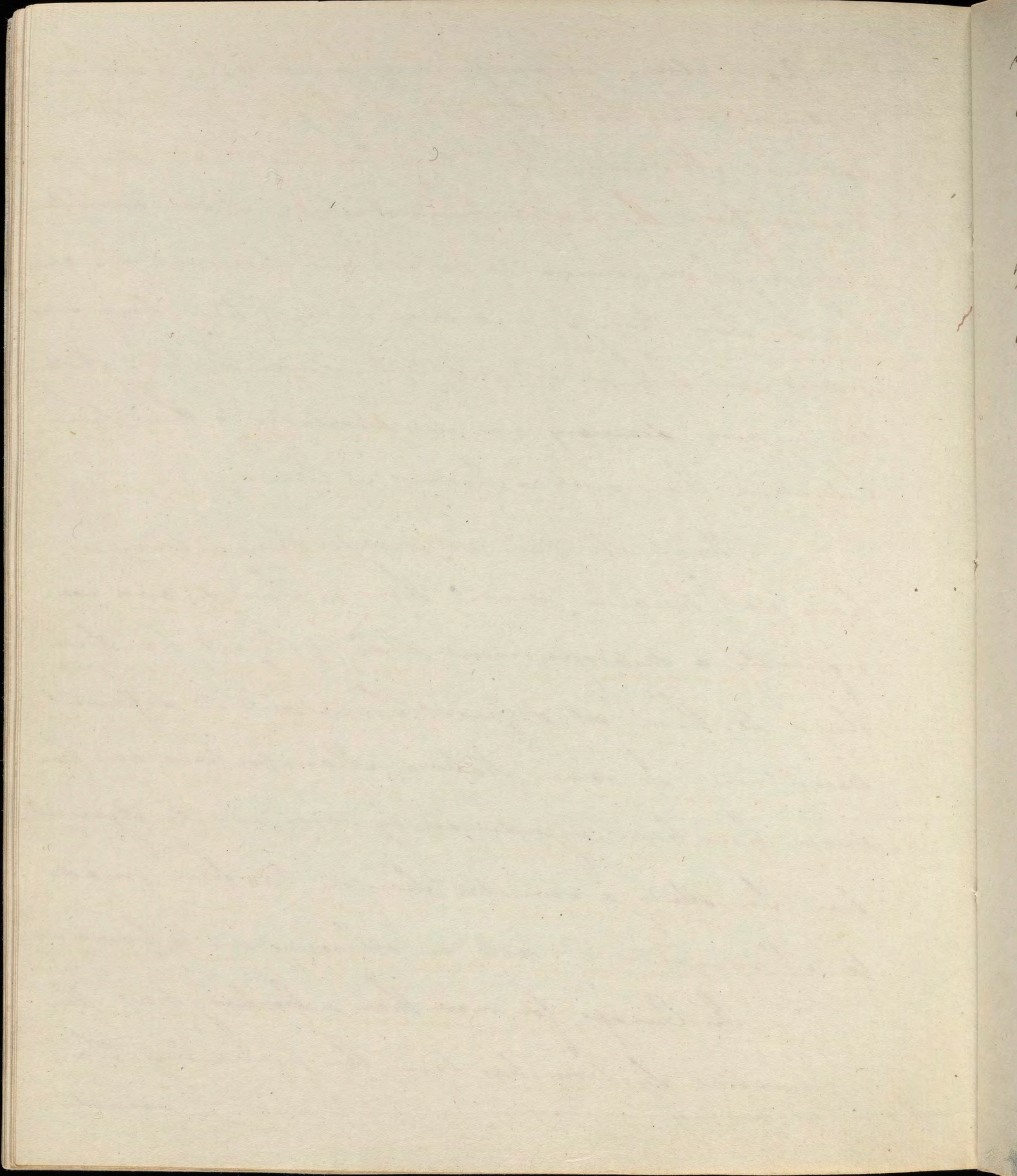


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Agriculture, Manufactures and Commerce are, in almost every Country, Subjects of great national and political Moment: But they have not been always viewed from the proper Points of Sight. Under some Aspects they have seemed to retard and interrupt one another in their Progress; and their Interests have been considered not only as different, but as even hostile. Nothing can be more decaying, nor more contrary to their true Situation, than such a Prospect of them.

Many who have not viewed them as Enemies, have not, however, viewed them as Friends; and consequently a disproportioned Share of Regard has been shown to them at different Times and in different Countries. In some Nations, Manufactures and Commerce have been injudiciously sacrificed to Agriculture. In others, a similar Sacrifice has been made to Manufactures; and in others again, to Commerce.

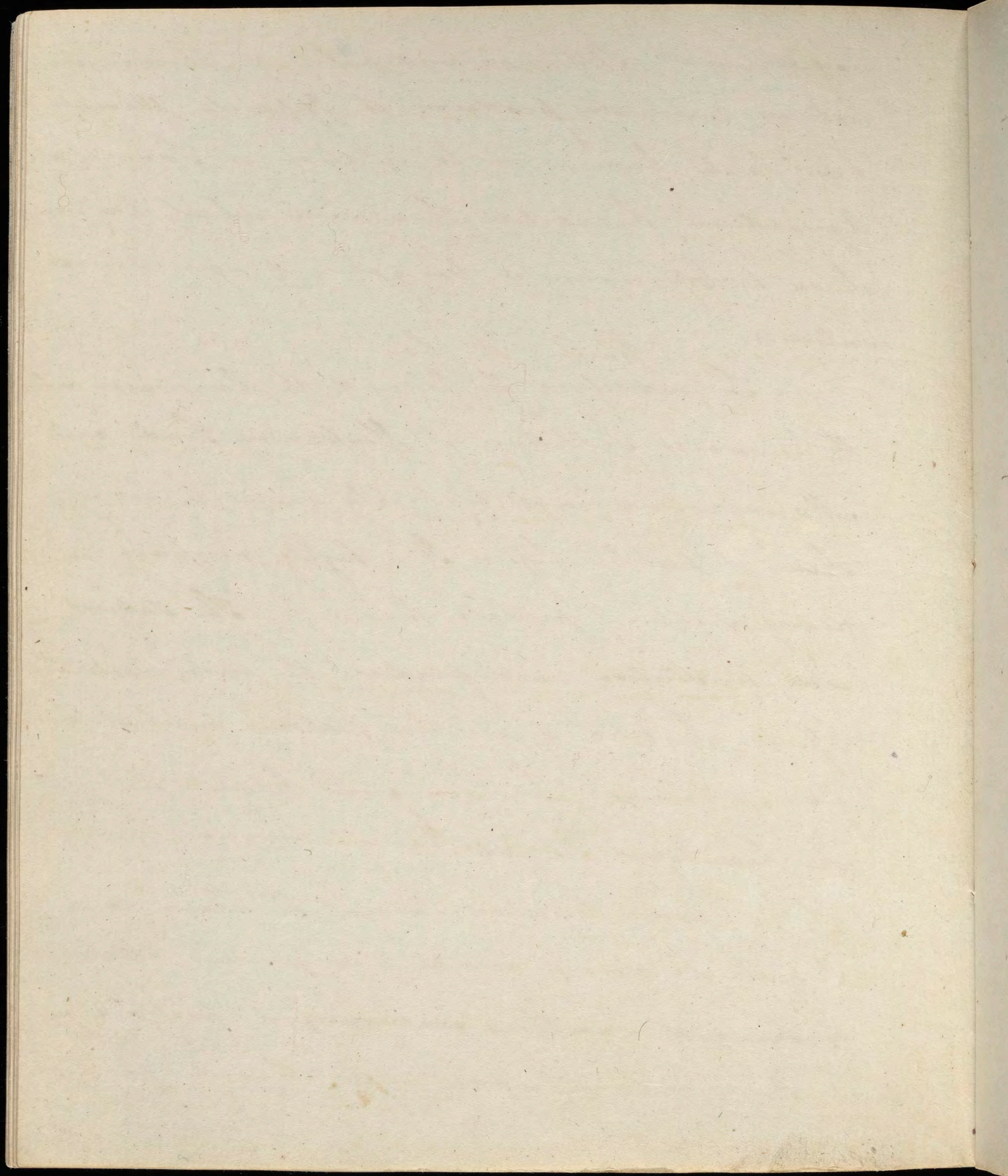
In Europe, for more than a Century past, the commercial System has been the prevailing one; some



144
wounded with Statesmen and political Writers. One
Extreme naturally produces its Opposite. Attempts
have lately been made to retaliate, in Favour of
Agriculture the partial Treatment which has been
shown to Commerce in Derogation of agricultural
Interests.

To understand the Principles, the Connection and
the reciprocal Influence of Husbandry, Trade and
Manufactures must be highly useful in every
Sense of public Life: It is highly necessary in
many Senses of private Business. The Subject,
well understood, will produce the most desirable
Effects. Instead of mutual Jealousy, mutual Con-
-fidence between the three great Interests will be
the beautiful Result

Your Attention cannot be drawn to a
Subject of more practical and general Utility.
A Series of Questions concerning it, proposed in
regular
a Series, and discussed with Minutiae and
Attention



15

Attention, will unfold it gradually and satisfactorily, and will be prepared the Materials of a Stock of Knowledge, which will be of much Advantage in the Business of Life.

This Series I shall begin with the following Question - Whether the Produce of Land is to be considered as the sole Source of the Wealth and Revenue of a Nation; and whether, supposing it to be so, it would, upon that Supposition, be proper or prudent to impose Restraints upon Manufactures and Trade?

In order to bring
That this Question may be brought regularly into View and Discussion, I propose that a Bill be introduced to lay Duties and Excises upon Articles of Importations and Manufactures for the express Purpose of encouraging the Agriculture of the United States.

+ 2. Ans. 118.

Does or ought the Statute of Limitations to extend to a Suits in Equity?

It may seem strange, that a Right, once acquired, should lose its Force by the mere Efflux of Time. But this is not the sole Consideration, to which Attention should be given. Property lost by one, is generally acquired by another; and, in this case, the Question turns more upon the Propriety of the subsequent Acquisition, than upon that of the anterior Loss. Besides, the Property acquired is frequently improved by the Labour or the Skill of the Possessor; and the Exertions of Labour and Skill are encouraged by Security in the Possession. Hence Possession becomes a peculiar Favourite of the Law.

Peaceable Possession ~~acquired~~ and permitted by the former Owner, furnishes, in a long Series of Time, a strong Presumption of Derivation or of Contract; in either of which Cases, the Property becomes rightfully attached to the Possessor, not in him, by whom the Possession has been gained.

For these Reasons, the Law, as my Lord Coke says, doth ever favour Possession as an Argument of Right, and doth incline rather to long Possession without shewing any Deed; than to an ancient Deed without Possession. With

With regard to Rights and Things in Action, it is cer-
tainly the Interest of the Commonwealth that some Period
should be assigned, beyond which Litigation should not be
permitted to extend. The Period assigned should, it is true, be
different, according to the different Cases and the different Per-
sons, and the different Circumstances, in which they are to o-
perate.

Accordingly numerous Provisions have been made upon
this Subject by the Laws of most Countries and particularly by
those of England. The Period limited to a Writ of Right is
sixty Years; and ~~shorter Periods~~ ^{Claims deemed} by
the Law to be of inferior Importance are circumscribed
within Periods ~~still shorter~~ ^{shorter}. In personal Actions, the Period
^{which} applies to the greatest Number of Cases is that of six Years.

The principal Intention and Use of Statutes of Limi-
tation, is obviously to preserve the public Peace, to promote,
by ~~encouraging~~ securing the Advantages of Industry and Art
in Agriculture, and to prevent innumerable Frauds and
wicked Perjuries, to which the Right of bringing Suits without
any Limitation of Time would furnish Temptation and
Opportunity.

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Those Statutes, however have not, by any Means, been
~~and~~ considered in the same Light, or with one uniform
Tensur of Sentiments. At some Times, they have been view-
ed with an Eye of Approbation; at Others, with an Eye
of Jealousy.

One Thing is certain, that no one can with Honour or
even Honesty, take Advantage of a Statute of Limitations
to avoid the Payment of a Debt, which he is conscious
that he owes. In Justice, and in Law too, the Debt still
remains, though the Recovery of it may be frustrated
by pleading the Operation of the Statute. For this Reason
if a Person devise his Lands in Trust to pay his Debts, those
that might otherwise have been barred, as well as those which
could not have been barred by the Statute, must be paid.
That the Debt is not extinguished by the Statute, but only
barred by taking Advantage of it in a Plea is evident
from this Circumstance, that the Defendant may, if
he chooses waive this Advantage; and then though
it appear on the Record, even by the Plaintiffs own
Declaration

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Declaration, that the Cause of Action commenced so long ago as to leave the Statute full Time to operate, yet the Court will proceed to give Judgment in Favour of the Demand⁴

Upon the same Principle an Acknowledgment of the Debt; may an Acknowledgment of it even after the Commencement of the Suit, will take it out of the Purview of the Statute

These Observations show that the Statute of Limitation throws no necessary Obstruction in the Course of Justice. But a Question not so easily solved is this, do they not furnish too many and too strong Inducements to throw voluntary Obstructions in ~~the~~ her Way? Would most Injustice be done by protecting, or by withdrawing Protection from those ancient Demands? According to the different Aspects, under which this last Question has been viewed, the Statute of Limitation have received a favourable or an unfavourable Construction.

We are sometimes told, that the Plea of the Statute of the Statute of Limitations is not to be favoured, because it is;

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+ L. A. 1838. 936. St. 21. 837.

" 2. Wms. 375.

= Bur. 1099.

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- under the Merits of the Cause - that the Court will give
Leave, on certain Occasions, to add a Plea for the Fur-
-therance of Justice; but that to permit this Plea of the Sta-
-tute of Limitations would not be for the Furtherance
of Justice.

In the same Spirit we are told that the Statute of
Limitations does not extend to a Suit in Equity; that
it shall not be extended to Equity beyond the Letter of
the Law; that it seems to be aimed only against Suits
at Common Law; and should not be enlarged
either to Equity or to Admiralty Jurisdictions.

On the other Hand, it has been declared in
the Court of Chancery that, when the Right of the
Plaintiff, and of those under whom he claimed, had
accrued near thirty Years ago, during all which
Time the Defendants Possession had been uninterrupted;
and when the Statute of Limitations was pleaded;
the Lord Chancellor would grant no Relief in the
Case of so stale a Demand; and therefore would
allow the Plea of the Statute.

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the L. R. 251.

* 2. Wil. 251.

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" L. R. 935.

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L. R. 1204.

= 3. Wms. 266

In the same Manner, the Lord Chancellor has
decreed, at another Time, that he could not take away
the Benefit of the Statute of Limitations from a Cor-
poration, who are entitled to take Advantage of it,
as well as private Persons are; since their Wit-
nesses may die, or their Documents may be lost.

Still stronger are the Sentiments and Expressions
of Lord Mansfield: Very unequal would that In-
terpretation be, which should construe the same
Words, for the Plaintiff, according to the real sub-
stantial Truth of the Thing, in Opposition to legal
Forms; and against the Defendant, according to
legal Notions and Forms, contrary to real Truth.
More especially, when the Law, from the Nature
of it, ought to be taken liberally in Favour of
Defendants.

The Limitation of Suits is founded in pub-
lic Convenience; and attended with so much
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+ 3. Mon. 310.

Attitude, that Courts of Equity adopt this Statute
as a positive Rule, and apply it, by Parity of
Reason, to Cases not within it.

One Rule, says the accurate and elegant
Mr Justice Foster, which enters into all Questions
of mere Property is evidently founded on public
Attitude. I mean that, whenever a Right is acquired,
or, which, in the Case of Things, will amount to
the same, the Remedy is barred by Possession, Ac-
quiescence and Effluxion of Time. The Principle
on which this Rule is founded is plainly this,
the public Good must always be preferred to the
Interests of Individuals. And the public Good evi-
dently requires that Property should not lie open
to perpetual Litigation.

These Remarks show that this Question is, on
both Sides, abundantly fruitful both with regard to
Argument and Authority. Diligent Search into the
Law Books will even show in the strongest Manner.

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+ Burr, 961.

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On a Digest of Laws. { See more on this Subj.
just in Questions N^o 4.

The Decemviri were appointed to form the Roman Laws into a regular System, and to incorporate with them such Laws of other Countries as they should think proper to be introduced into the Commonwealth of Rome. That they might be enabled to accomplish the Design of their Appointment, very extensive Powers were delegated to them. They first prepared ten Tables of Laws, which were ratified by the ⁺Latin People. Two other Tables were afterwards added. All together composed the celebrated Code of the twelve Tables.

That Code was committed to the Memory of the young, and the Meditation of the old; ~~they~~ it was transcribed and illustrated with learned Diligence: It escaped the Flames of the Gauls, it subsisted in the Age of Justinian; and its subsequent Loss has been imperfectly restored by the Labour of modern Critics. ~~Quo~~ is not afraid to affirm, that the ~~very~~ Composition of the Decemviri surpasses in genuine Value the Liberaries of Grecian Philosophers.

In the Reign of Hadrian, the Protobishop of Salveus Julian an eminent Lawyer, was immortalized by the Composition of the perpetual Edict. This well-digested Code was ratified by the Emperor and Senate; the long Divorce of Law and Equity was at length

Ratlin's and

I have extracted from Gibbon's Histories and from my Lord Bacon's Works what has been done, and what has been proposed to be done concerning a Digest of the Roman and English Law. To these Extracts I have subjoined a few Remarks on the Manner in which a Digest of the laws of Pennsylvania may be formed. I shall be happy if they meet with your approbation.

in Continuation, Feb. 22. 1744.

I shall think myself obliged to you for your ^{opinion} ~~Remarks~~ and those of your Friends upon the rough Sketch, which I have designed. The ~~Business~~ I wish to fill on the best Information and Advice.

+ Civ. Leg. 2. 23. de Grad. l. 43. l. 4.

length reconciled; and, instead of the twelve Tables, the perpetual
Edict was fixed as the Standard of civil Jurisprudence.

The Jurisprudence of Rome was adorned by the incom-
parable genius of Cuius, which converts into Gold every Object
that it touches.

Justinian selected the most learned Civilians of the East
to labour with their Sovereign in the Reformation of the Roman Law.
The Theory of Professor was assisted by the Practice of Advocates, and
the Experience of Magistrates; and the whole Undertaking was
animated by the Spirit of Tribonian. He and nine learned As-
sistants were directed to revise the Ordinances of Justinian's Prede-
cessors; to purge the Errors and Contradictions, to retrench whatever
was obsolete or superfluous, and to select the wise and salutary
Laws best adapted to the Practice of the Tribunals, and the Use
of the People. This Work was accomplished in fourteen Months;
and the twelve Books or Tables, which the new Decrees pro-
duced, might be deemed to imitate the Labours of their Roman Pre-
decessors: The new Code of Justinian was honoured with his Name:
authentic Transcripts were multiplied by the Pen of Notaries and
Scribes; they were transmitted to the Magistrates of the European,
the Asiatic, and the African Provinces: And the Law of the Em-
-perour was proclaimed on solemn Festivals at the Doors of Churches.

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+ Speib. c. 111.

= ib.

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A more arduous Operation was still behind - to extract
the Spirit of Jurisprudence from the Decisions and Conjectures,
the Questions and Disputes of the Roman Civilians. Seven
-ten Lawyers, with Tribonian at their Head, were appointed
by the Emperor to exercise an absolute Jurisdiction over
the Works of their Predecessors. If they had obeyed his Com-
-mands in ten Years, Justinian would have been satisfied
with their Diligence; and the rapid Composition of the
Digest or Pandects, in three Years, will deserve Praise or
Censure, according to the Merit of the Execution. †

My Lord Bacon made Proposals to James I. for
reducing and recompiling the Laws of England.

This Work he proposed to divide into two Parts -
one a Digest of the Common Law; the ^{and} other a Digest of the
Acts of Parliament

In the first of these, three Things, he thought, were
to be done.

1. The Compiling of a Book concerning the
Antiquities of the Law.

2. The Reducing or Perpetuating of the Body of the
Common Law

3. The Composing of certain introductory
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and auxiliary Books concerning the Study of the Law.

In reforming and recompiling the Statute Law, four Things, he thought were to be done.

1. To discharge all those Statutes, where the Case, by Alteration of Time, is vanished. These may nevertheless remain in Libraries for Antiquities.
2. To repeal all Statutes, which are sleeping and not of Use, but yet surviving and in Force.
3. To mitigate the Penalty in many Statutes, though the Ordinances stand.
4. To reduce concurrent Statutes heaped one upon another into one clear and uniform Law.

Much good Sense is undoubtedly contained in these Proposals. Perhaps, however, a Method less complex and equally satisfactory might be adopted.

I would suggest it for Consideration whether it would not be proper¹, that the Substance of the Constitution and Statute Laws of Pennsylvania, and the English or British Statutes, revised here should be reduced into a regular and systematic Form, and become a Code or Text

2. That the Common Law relating to each Head and Title, should be introduced and explained; and thus

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thus serve the double Purpose of a Commentary on the Code or Text, and a Digest of the Common Law

~~drawn up~~ reduced into a regular System

3. That the ^{Law} Acts of Assembly, ^{and English or British Statutes of a regular Body} drawn up in the ^{regular Body} ~~Form~~ of Laws, should be composed separately, but in the same Order, as the Substance of them in the Code or Text: And that in composing those Acts, ^{Laws the Precautions} ~~the Precautions~~ mentioned by my Lord Bacon, and such others as might, upon Trial, be found expedient, should be observed. A. B

~~and the Law~~ ^{last mentioned} Their last Performances, if approved by the Legislature, ^{or altered} should be passed into a Code of Laws.

The Code and the Commentary should have no other Authority than that, ^{arising from} ~~to which they would be entitled~~ by intrinsic Merit.

The Code ^{and Draught of the Laws may} and Commentary, might be published, ^{and Draught of the Laws may} together, ^{together or} and the Code might also be published, ^{separately}.

^{foregoing} The ~~above~~ Plan is suggested with great much Reference: It is not improbable that many and great alterations would be found necessary in the Execution of it. A

B

original

All the Acts of Assembly in the Office of the Master of the Rolls should be examined; those particularly, which have been repeated in England. The Laws of the other American States should be examined and compared; ~~from the~~ ^{by the} ~~Comparison and Examination~~ ^{them might infer} ~~useful information~~ ^{will be gained}. Such Alterations, Additions and Improvements ~~as~~ ^{such particularly as shall be} ~~shall be thought~~ ^{proper in order to} necessary or convenient ~~for the~~ ^{and being} ~~to accommodate the~~ ^{to be} ~~System of Legislation~~ ^{Principles of} the present Constitution ought to be made and prepared for the consideration of the Legislature and the People at large.

Power should be given to employ Assistants.

Sums of Money, not exceeding $\$$ in any one Year should, upon the Warrants of the Speakers of the two Houses, or either of them, be advanced, ^{from Time to Time} to the Person appointed in the Law, he to be accountable to the State for the same.

He shall receive, from the Legislature, an adequate Compensation for his Services. The Copy-Right of the Code and Commentary shall be his; and also that of those Drafts of Laws that shall be printed along with the Code and Commentary. The Law to continue ^{Yours}

It is obviously a great and arduous undertaking;
but if it ^{shall} be executed well, its usefulness can scarcely
be over-rated. It well deserves the attention of
the Legislature of Pennsylvania.

M^r. Coombs — Po

2. Bac. 307. Copy given in Cris. Mod. 4. Sat. 287. C. Mod. 225. But.
250. 3. Bl. 368 — attested copy or parol Cris. — Reid v. 3. Term
Rep. 151. — Cotty and Nesbit. Ir. Term. 21. Ges. 3. — The circumstances
should be set forth.

In England we would have Relief in Chancery. here we
have no such courts

10th Jan'y. 1791
Puffert

Mr. E. Thomas - Pro.

The Reason of a puffert.

- 2. Str. 1186 - the Puffert was offered
- 2. Str. 225.
- 3. Cro. 209. - Use of Equity.
- 3. Bl. 434.

In Penn: Equity and Law are united.

Mr. Gibson - Cont.

The Jurisdiction of the Courts as to Pufferts would be transferred to the Jury.

Law, in some Cases, are and must be general and inflexible - simple Contract Creditors.

In England, the Declaration of Relief at Law, is the Foundation of Equity.

Mr. Evans - Pro.

The particular Circumstances of the Case should be stated of in the Declaration.

Apud Juris -

In another Court - Lex non cogit ad improprietatē

The Jury must ascertain the Existence of a Bond.

The Existence even of a Patent, shall sometimes be pleaded.

be pleaded.

be pleaded.

1. Upon Principles of Justice

shall a further Security destroy a former one.

2. At Law - in Eng. in Penn: A Remedy for every Injury. 3. Bl. 23.

1. What Right. 2. What Court - 3. In what Action

8. H. C. Br. Abr. Tot. Mon. - str. Fair, and Offer

10. Co. 92a. b. 5. Co. 746 - in another Court, as in Puffert of the other Party.

2. Cro. 82. Mod. 266.

2 Str. 1186 - My bonds to make Puffert!

Verz. 393.

Whenever there is a Right, there is a corresponding Obligation.

Stat. of Limitations - In Puffert

In a Case similar to this, Evidence of the Contents would be sufficient before the Jury.

Puffert extends not to commercial Transaction.

Mr Dickinson - Cont

Mod. 266. Vez. — Chancery relieves only in cases where there is no relief at law.

Gold. Co. 97. Wils. 16. — The Inconvenience of dispensing with Proferts.

Str. 1186. — A current of Authority will not be derided by one Instance to the contrary

Mr Cantwell Jones

10. Co. 92. given in Evid.

Gold. Co. 95.

Vez. 388. Equity will deny Payment.

a fact. in Pennsylvania

Vez. 393.

A bond *hæc causa void* — therefore

the Demand incurred by the Bond

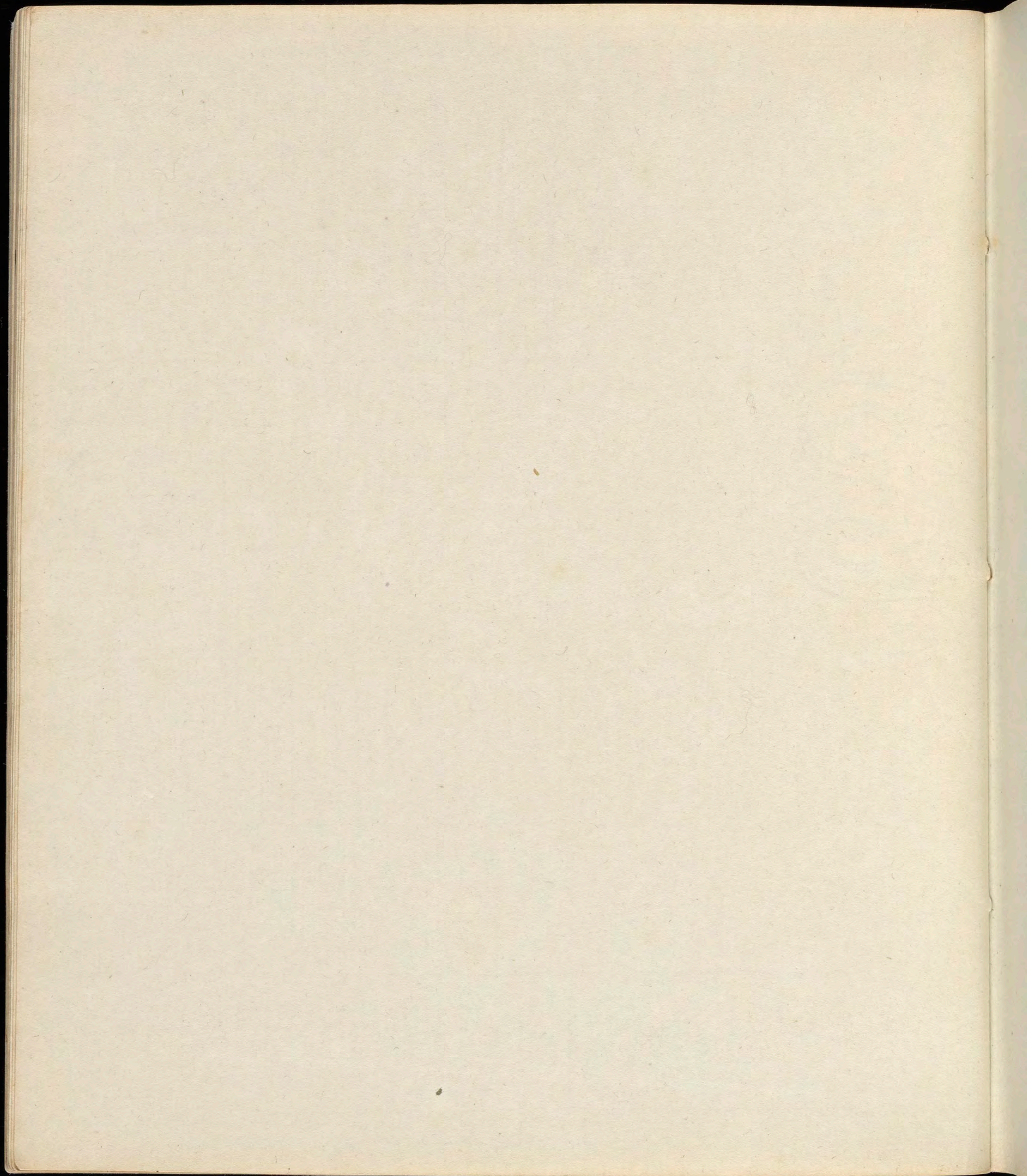
is the principal object.

Def. may prove Payment as well as of the Profert was made. — Proof of the contents is Proof of every Thing necessary.

there there
hanging with
described by

id - things
by the road
et.

sat as well as
ade. - proof of
every thing



RBD
LC 14:103
v. 3

amer 00040

Montgomery 69 g

69-4185

