

and languishing Prisoners and Answer to Message about Attor- L. H. J.
neys and Persons keeping Store out of Town &^{ta} as follows Viz.

By the Council in Assembly December 13th 1708

Gentlemen. Your Message by M^r Hemsley and M^r Covington relating to Attorneys &c. being read at the Board we find you have misrecited his Excellency's Order in Council concerning the Admission of Attorneys to plead in this Province, in which there is a Saving to all who have a Right to that Practice Viz. whoever have been of any of the Inns of Court or Chancery. And what you observe to be an Aggrievance and contrary to the known Practice of all Courts of Great Britain we are of Opinion the House are not acquainted with the Practice of the Courts there, which we are well informed is otherwise; for that neither the Chancery Queen's Bench, Common Pleas or Exchequer, admit their Practitioners in their several Courts the Serjeants and Barristers on Certificates of the Benchers being called by the Queen's Majesty and the several Attorneys admitted and sworn by the Master of the Queen's Bench and Prothonotaries of the Common Pleas Nor is the Practice of this Province of such Duration to inform us of such antient Right so that on due Consideration we can see no Aggrievance but rather an Advantage of the good People of this Province that the Government take Care none but Men of known Integrity and Ability are suffered to practice in the several Courts who need not apprehend any Body's Displeasure for defending their Clients whilst they contain themselves from railing and seditious Speeches against the Government Nevertheless by the said Order of Council there is no Inhibition to the Justices of the Provincial or County Courts from suspending any Practitioners who give any just Occasion by their Insolence or other Misbehaviour, but on the contrary his Excellency has been sufficiently satisfied with their so doing, and has often declared he should be very glad to see the County Justices assert their Authority on all such Upon the latter Part p. 195
of your Message about several Merchants keeping Stores not in Towns under Pretence of his Excellency having given them Leave so to do, his Excellency is pleased to say he never gave any such Leave but that on the Application of Cap^t John Daracott the Council with the Assistance of two of the Justices of the Provincial Court had given the Opinion herewith sent you which is no Dispensation with the Laws for Towns As for several Presentments made at the Assizes of several Merchants on that Score the Attorney General says he never heard of any but one at Calvert County against Captain John Jefferson of Kelkeydye in Great Britain who was the first Trader