

Richmond Va. 1857

To His Excellency
G. W. Ligon

Dr. Sir

In my former reply to the Hon. Secy and in my
communication to us of 29th July relative to my employment
for the State to protect her interests in the Va. & G. C. Rail Road Company
against the recent extra dividend declared by the directors of that Com-
pany, you were informed that for reasons which I would give in a
separate reply, I could not undertake the full discharge of all the
duties that employment would devolve upon me.

Our joint communication has presented to you
my views of the proper scope of my professional duties and the questions
to be considered before the institution of any legal proceeding by the
State which we deem proper for an decision, and it will give me
great pleasure, if desired by you, to act as consulting and advising
counsel for the State, not only in the decision of these preliminary
questions, but also throughout the progress of any suit which it may
be deemed proper to institute for the State. But there are duties
flowing from the institution of such a suit, as determined upon,
which I could not undertake to perform, and fully to discharge,
and which I am therefore unwilling to assume, such as the taking
of the testimony and in general the preparation of the case for trial
and perhaps also the argument in the Court below.

Your Excellency is aware that I have for some years withdrawn
myself from the practice in the Courts of this City; and that for
the last twelve months or more, in consequence of an affection of
the eye and which still exists and troubles me, I have in much as
possible avoided professional engagements with a view to its restoration.
But having at this time several considerations (which in view of
the high State interests involved, I should be inclined to do) there are
several considerations flowing from my recent declension of a full retainer
by the City for the same object which somewhat embarrass me -
According to that offer of retainer by the City, under all the circum-
stances attending it, is a mark of high confidence, I yet conceive
it to be proper for me to decline it but with the proviso of my gra-
tuitous services as consulting and advising counsel; and it is to me
a matter of doubt, whether proper respect for that offer would not be
owing me to assume a similar position with regard to the State - But
what I am about to suggest will perhaps, obviate all these difficulties.

As the friend of Mr. Nelson in standing and experience at the
bar, I could not as his Associate Counsel, with propriety, suffer the duties
incident to the preparation and trial of the case below to rest upon
him alone; and I think it proper that in the discharge of those
duties, he should have some one associated with him, who acting
under his supervision will relieve him from much of the labor of their
preparation - By the appointment of some other gentleman of the bar
in the stead of myself, all this will be fully accomplished, and will
at the same time give the State all the benefit she could derive from
my examination of and advice in the cause without any additional
expense - As to my self, I do leave to say that in that event, I will