

U. H. J. The Council adjourned until ten of the Clock on Monday Morning

Monday Dec^r 13th 1708

The Council Sate Present as on Saturday saving Col Holland The Message brought by M^r Hemsley and M^r Covington on Saturday last being taken into Consideration Resolved that the following answer be sent thereto Viz.

By the Council in Assembly Dec^r 13th 1708

Gent. 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 Excell^s order concerning the Admission of Attornys to plead in this Province in which there is a saving to all who have rights to that practice Viz. Who have ever been of any of the Inns of Courts and as to what you assert to be an Aggrievance and contrary to the known practice of all the Courts of great Brittain we are of opinion the House is not acquainted with the practice of the Courts there which we are well informed is otherwise for that neither the Chancery Queens Bench Common pleas or Exchequer admitt the Practitioners in their several Courts The Serjeants and Barristers on Certificate of the Benchers being called by the Queen's Majesty and the several Attornys admitted and sworn by the master of the Queens Bench & 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 to the good people of the province that the Governm^t take Care none but men of known Integrity and Ability are admitted to practice in the several County Courts who need not apprehend any bodys Displeasure for defending their Clients whilst they contain themselves from railing and seditious speeches against the Governm^t, nevertheless by the said order of Council there is no Inhibition to the Justices of the Provincial and County Courts from suspending any Practitioners who give any just occasion by their Insolence or misbehaviour, but on the contrary his Excell has been 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 occasions

Upon the latter part of your message about the severall merchants keeping stores not in Towns under pretence of his Excell having given them leave so to do His Excell is pleased to say he never gave any such leave but that on the applica-