

In March A S S E M B L Y, 1725.

*Mr.*  
**C**ol. *Holland* from the Upper House, acquaints Mr. Speaker that his Honour the Governour requires him and the whole House, to attend him immediately in the Upper House, and withdrew. Thereupon Mr. Speaker with the whole House, go to the Upper House, where his Honour the Governour was pleas'd to make the following Speech, viz.

X  
*R. Wngl.*  
*Jalbot*

Gentlemen of the Upper and Lower Houses of Assembly,



Am sorry to convene you at this unusual Time of the Year; but it is occasion'd by the Gentlemen of the Law, who refuse to plead the Causes begun before the Act made last Sessions, relating to Attorneys. It is very hard the Clients should pay the Fees in those Causes, and be Nonsuited. What the Gentlemen-Practitioners said in the Chancery-Court was, That the Letter of the Law restrained them from pleading any Causes whatsoever, except they took the Oath appointed by the Act. I could not be of their Opinion; and therefore gave them Leave to plead the old Causes, if they would have so done: For it would be a very great Absurdity to suppose the Attorneys should swear they would not take any Fee more than the Act allows, when they had already taken more; or to suppose Certificates of the Clients Oath could be return'd to the Courts, before we had an Act to direct it so to be. A Judge should determine according to an equitable Construction; for 'tis Madness to suppose Impossibilities: Therefore I cannot think the Act wants any Amendment in this Particular. What Opinion other Courts have been of, and what has pass'd therein, you Gentlemen of the several Counties, are best acquainted with.

Another Flaw the Gentlemen have found out, is, that tho' a Merchant is represented here by his Attorney, nevertheless the Merchant must swear: The Assembly could never suppose such an absurd Thing; therefore it is equally as mad as the First I have mention'd, and must have been from some Slip of the Pen in Transcribing the Act. Great Hopes are built on this Particular, that the Merchants will make Interest to get a Dissent to the Act: However, to be out of Doubt, it is very easy to draw a new Act, with what little Alterations may be thought proper.

I cannot help thinking it a just and good Law; for nothing is taken from the Attorneys that was allow'd by Law; (if it appears otherwise, it was not design'd) and the Poor are upon an equal Footing of Justice with the Rich: The Poor cannot raise Money; I am sensible of their Condition; and it is my Duty to protect them in a more particular Manner, who are least able to help themselves.

At the same Time that I am mentioning the Hardships on one Side, I should be unjust to the Gentlemen of the Law if I did not take Notice of that Part of the Act which allows the Planter at his Election to give an Attorney for his Advice One Hundred Pounds of Tobacco, or Ten Shillings Currency;