

L. H. J. ceded from the frequent and careless Transcribing of them by young and careless Clerks

We were willing to Joyn with your House in restoreing the Ancient Usages of this Province by removeing all such defects [as] should appear to have crept into the form of the oath to the prejudice of our Constitucōn and therefore propos'd in our message of the 16th Instant the amendment of all such Defects, and intended to have Govern'd ourselves by such ancient forms when sent down to us, as well as by the Draught of the oath laid before us by M^r Att^{ry} Gen^l

But forasmuch as we conceive by your message of yesterday that no such defects as you referr'd to in that message are design'd to be Laid before us, We fell upon the consideracōn of that Draught of the oath brought in by M^r Attorney Generall and find Essentiall Deviations from the ancient Forms of the oaths (as appeared to us by the usuall forms Exhibited by the Clerks of the office) whereby the Judges of our Courts, if such oath shou'd be imposed upon them would be intirely Arbitrary in their Determination of what Laws and Statutes of England are most agreeable to our constitution, and what not, whether they Import conveniency or ruin to the Good people of this province.

However to manifest our ready condescension in what ever may be found usefull towards the perpetuating the security as well as the rights of his Majesty's Subjects within this province we are willing to concurr with you in the alteracōns propounded so farr as they relate to the Letters of the Lord Propriāry or any other person in obstruction to Justice, which we acknowledge ought to be indifferently administred without regard to such Letters, For we are intirely of opinion with you that the Liberty and property of the people can never be preserved unless the Laws are made the Rule of Judicature, But then we think it absolutely necessary that all such Laws should be in some manner or other apprehended and made known to the Judges lest differrent Judgments in things of like nature should be given at different times through the Variety of opinions in what Statutes do, and what do not Extend to this Province, and the Judges themselves be reduced to the last Extremity of declareing upon oath in matters which appear altogether Doubtfull and uncertain to them

We therefore conceive that your House will have some reason to be Satisfied with the alteration propos'd as above for the present untill the Lord Propriāry shall have advised his Governo^r and Council of state whether such further alterations as are contain'd in M^r Attorney Generall's Draught relateing to the Oath of a Judge be found to be consistent with