

Your Honours are pleased to observe that by the Oath proposed the Judges would be intirely Arbitrary in their Determination of what Laws and Statutes of England are most agreeable to our Constitution; We cannot conceive the Judges would be under Less Restraint by that oath which mentions the Laws of England, than they were by the former oath which was more Generall for that requires them in all Articles of their Commission to do equall Right to the poor as well as to the Rich to the best of their Cunning skill and knowledge and according to the presidents & Customs of the Province and it is one of the Articles in their Commission to Determine according to the Laws of England &c and the presidents and Customs of this Province have been always to try and Determine according to those Laws and therefore we think your Honours cannot well conclude the Judges by this oath could or wou'd be Arbitrary unless they always have been so; which we are well assured the Hon<sup>ble</sup> Judges in your House as well as those in ours never took themselves to be, in the point Debated; nor we believe any others of the Judges that have the Honour to Execute his L<sup>pps</sup> Commission.

Besides we beg Leave to observe the form of the oath laid before you by M<sup>r</sup> Attorney is to oblige the Judges to Execute their Commission according to the Laws Statutes and reasonable Customs of England and Acts of Assembly and usage of the province of Maryland; So that we doubt not but the Honourable Judges would readily Construe those words, to Oblige them to Judge no otherways according to the Laws of England than is consistent with the Acts of Assembly & usage of this province for that all those words are to be taken together, and Relate to one Rule of Duty and not to Severall Rules of Duty, and we hope your Hon<sup>rs</sup> will not Suppose the Import of the words in the oath proposed to be more uncertain now, or of other consequence than the Import of the like words in the Commission which the Judges were Sworn to Execute, was formerly; unless we are so unhappy as to render the oath less intelligible, by Endeavouring to Explain it and make it more particular. And we cannot conceive what danger of Ruin to the people your Honours can be apprehensive of from Judging by any of the Laws of England according to the usage of this province, or which is the same thing in the manner we have been ever Judged by according to those Laws. We have never yet heard of any Inconveniencie arising from Doubts of what Statutes extended here or what not, nor did we ever hear of different Judgments given in this province concerning the Extent of any Statute of England, unless in the one Case concerning the Act of Limitation