

Oath for the Judge of the Provincial Court as should be laid before us by M^r Attorney General as more Agreeable to our Constitution than the Oaths now in use by reason of some defects found in them which as you conceived proceeded from the frequent and careless transcribing of them by young and careless Clerks U. H. J.

We are willing to joyn with your House in restoring the Ancient Usages of this Province by removing all such defects as should appear to have crept into the form of the Oath to the Prejudice of our constitution and therefore proposed in our message of the 16th Instant the amendment of all such defects and intended to have Governed ourselves by such Antient forms when sent down to us as well as by the draught of the Oath laid before us by M^r Attorney General

But forasmuch as we conceive by your Message of Yesterday that no such defects as you referred to in that Message are designed to be laid before us we fell upon the consideration of that draught of the Oath brought in by M^r Attorney General and find essential deviations from the Antientest forms of the Oaths (as appeared to us by the usual forms exhibited by the Clerks of the Office) whereby the Judges of our Courts if such Oath should be imposed upon them would be entirely Arbitrary in their Proceedings of what Laws & 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 whatever may be found Useful towards the perpetuating the security as well as the rights of his Majestys Subjects within this Province we are willing to concur with you in the Alterations propounded so far as they relate to the Letters of the Lord Proprietary or any other Person in Obstruction to Justice which we Acknowledge ought to be indifferently administred without regard to such Letters for we are entirely 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 different 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 declaring upon Oath in matters which appear altogether doubtful & uncertain to them p. 117

We therefore conceive that your House will have some Reason to be Satisfied with the Alterations proposed as above