

Your Honours are pleased to Observe that by the Oath U. H. J.
proposed the Judges would be entirely 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 General for that requires them in all
Articles of their Commission to do equal Right to the Poor
as well as to the Rich to the best of their cunning skill & knowl-
edge and According to the presidents and customs of the
Province and it is one of the Articles in their Commission p. 130
to determine according to the Laws of England &c^a 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 cou'd or would be Arbitrary unless they always
have been so which we are well Assured the honble 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 Lordships com-
mission

Besides we beg Leave to Observe the form of the Oath laid
before you by M^r Attorney is to Oblige the Judges to execute
their commission according to the Laws Statutes and Reason-
able customs of England and Acts of Assembly and Usage of
the Province of Maryland so that we doubt not but the hon-
ourable Judges would readily construe those Words to Oblige
them to Judge no otherwise according to the Laws of Eng-
land than is consistent with the Acts of Assembly and usage
of this province for that all those Words are to be taken
together and relate to one Rule of duty and not to several
Rules of duty and we hope your Honours will not Suppose the
import of the words in the Oath proposed to be more Uncer-
tain now or of other consequences 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 &
make it more particular And we cannot conceive what Danger
of Ruin to the People your Honours can be apprehensive of
from Judging them by any Law 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
Inconveniency arising from doubts of what Statutes Ex-
tended 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