

May it please your Honours,

*Message to the Upper House about the Resolves, and the Clause of the Oath of a Judge, &c.*

BY a Report made to this House this Session, from our Committee of Courts of Justice, it seems the Clause of the Oath of a Judge used in *England*, which on the 25th day of *October*, 1722, was resolved by this House to be a necessary Clause in the Oath taken by the Judges in this Province, is not used in the Oath taken by the Judges of the Provincial Court, nor of some County Courts within this Province; your Honours may please to observe, from your Journal, that the Resolves then made were communicated to you from this House, by a Message of the 31st of *October* that same Session, and your Honours on the third of *November* then next, by your Message, were pleased to observe, "That those Resolves being of the greatest Consequence to the Lord Proprietary, and this Province, and that Sessions being near a Conclusion, you had not Time for so mature a Consideration, as the nature of them required, and therefore refer'd the further Consideration of them until the then next Sessions of Assembly." How far your Honours were pleased to consider of them in the then next and now last Sessions is best known to your Honours. But as we do not find the Clause resolved, inserted in the Oath above, we now take the liberty of recommending it further to your Honour's Consideration and Endeavours to procure the same to be done, and have directed Mr. Attorney General, a Member of this House, to lay before your Honours a Draught of such Oaths as may be more agreeable to the Oaths used in *England*, and to the Constitution of this Province, than those now used, which, as we conceive, have some defects therein, from the frequent and careless Transcribing of them by young and careless Clerks.

Sign'd per order, M. J. Cl. Lo. Ho.

Which was sent to the Upper House by Col. M. and five other Members. They return, and say, they have delivered it.

*October the 13th 1722.*

*The Printed Copies of the Resolves and Address approved.*

Several Printed Copies of the Address and Resolves of the Lower House in *October* Assembly, 1722, being produced to this House, are well approved of in the manner as they are now Printed.

Mr. Attorney General lays before this House the Form of the Oath for the Judges of the Provincial Court, which is approv'd of and ordered to be entered, as follows, viz.

*The Form of the Judges Oath proposed.*

YOU shall Swear, That as a Justice of the Provincial Court of *Maryland*, in all Articles in his Lordship's Commission to you directed, you shall do Equal Law and Right to all the King's Subjects, Rich and Poor, according to the Law, Statutes and Reasonable Customs of *England*, and the Acts of Assembly, and Usage of the Province of *Maryland*, and not delay any Person of Common Right, for the Letters of the King, the Lord Proprietary, or of any other whatsoever, nor for any other Cause. And in Case any Letters shall come to you, contrary to Law, that you do nothing by them, but cause them to be entred on Record, and Certifie the King, the Lord Proprietary, or the Governour for the Time being, of them, and proceed to Execute the Law notwithstanding the same Letters.

That