

to the Provincial Court, that such like Words are used; which Words, we are of opinion, are not so agreeable to the Constitution, as the Words in the Resolves.

We also find, that in the Commission to the Judges of Assize and Goal-Delivery, there is Variation from those Words, *viz.* That the Judges are by those Commissions to Determine according to the Laws and Customs of that part of *Great Britain* lately called *England*, and of this our Province.

Whereas we humbly offer, the Words in the said Resolves are more agreeable to the Constitution, for that the Word [*Statutes*] is omitted, and also, that by the Words [*of that part of the Kingdom of Great Britain, lately called England*] It seems as if it were only intended to relate to such Laws and Statutes as were made before the Union, and if the Words were more generally, according to the Laws and Statutes of *Great Britain*, It might seem only to relate to such Statutes as were made since the Union, and might also relate to some Laws of *North Britain*.

Wherefore your Committee humbly Offers the Words in the said Resolves, as most fit to be observed in all such Commissions.

We also observe, there is no Commission for the Associates to the Judges of Assize, empowering them to Act.

Your Committee humbly Offers, That there are yet other Commissions to be inspected into, and that the Forms of the Commissions have not been so exactly compar'd with the Forms used in *England*, as may be done, when the Business of the House may require less of their Attendance. But as this will be the Constant Charge of your Committee, their further progress therein may with your Honours leave, be refer'd to further Opportunity, as well as the Premises, to your Honours further Consideration.

*Sign'd per Order, N. M. Cl. Com.*

Which being Read, this House Concurs therewith, and Mr. *A. G.* is desired to acquaint his Honour the Governour, of the Subject Matter thereof, to the End that his Honour, the Governour, may direct therein, in respect to the Form of Commissions to the Judges, as to his Honour shall seem Reasonable and Agreeable to the Constitution.

The following Message is prepared, *viz.*

By the Lower House of Assembly, *October the 20th 1724.*

*May it please your Honours,*

ad Message from Lower House about the Judges Oath. **A**S we hope your Honours intended us some further answer to our Message of the Tenth Instant, by Col. *M.* and five others, than what you were pleased to make us on the Sixteenth Instant, by *J. H.* Esq; and that we are informed by Mr. Attorney General, that he has some Days since laid before your Honours the Forms of an Oath, agreeable to the Constitution, we hope your Honours will Excuse our reminding you thereof, and our desiring to know how far you are pleased to approve of that Form. For as the Liberties and Properties of the People can never be preserved by Laws, unless those Laws be made the Rules of Judicature, and that the Forms of the Judges Oaths are essential to the due Administration of Justice, according to those Rules; we hope your Honours will readily joyn your Endeavours with us in so essential a step towards