

since concerning the Extent of any Statute of England, unless in one Case concerning the *Act of Limitation*, of King James the first, when one of your Honours was one of the four Judges that fill'd the Provincial Bench, and we cannot think that Instance deserves your Honours notice, since that Opinion was grounded on no President, but was manifestly contrary to the whole Course of Judicature in this Province, and well known to be against the Charter and inconsistent with our Constitution. And we cannot conceive the Judges have been ever reduced to any extremity in giving their Judgments, what Laws *do* or *do not* extend here, or that it has been ever doubtful, and as it never has been so, we think they have less reason to doubt now, than ever, since the same Course of Judicature has been still so much the longer in use, and that usage so clearly declared in the Resolves of this House, Communicated to your Honours.

We think your Honours, by this Message, leave our ill Wishers some room to doubt, that you object against the Judges being sworn to try and determine according to any the *Laws of England*, unless declared by our Acts of Assembly to extend here; and we doubt not, but they would be glad to make use of any handle for such a Construction of your Honours Sense of Things: For, as it is well known, that these difficulties in Judicature and Government are what the Enemies of our *Protestant Constitution* (the better to Submit it) most warmly contend for, and what we have some Time since, as your Honours can't but have observ'd, declar'd our Sentiments of, they will, no doubt, readily lay hold of this Occasion, quote your Honours Words as countering their pretensions, and even quote your selves against your selves, and us; for so we Account whatever is against our present Establishment of *English Laws and Liberties*.

We therefore Hope, your Honours will take away all umbrage of this sort, from those that seek such Innovations, and joy with us in declaring your Sentiments and just Resentments against them.

We are sorry, for your Honour's sakes, that you in the latter part of your Message decline a further Concurrence with us in the Subject Matter there treated of until his Lordship shall have advis'd his Governour and Council of State, whether such further Alterations as are contained in Mr. Attorney Generals Draught of the Oath of a Judge, be found consistent with his Lordships Charter, and Agreeable to the Constitution and publick Weal. We understood your Honours, as a Council of State, to be by Office oblig'd to advise his Lordship and his Governour, what was agreeable to the Constitution and publick Weal of this Province, and as a part of the Legislature, we thought you not only Advisers, but in part Directors too; of what was proper for the Common good; for we esteem it impracticable for his Lordship (a Stranger to the place, and at so great a distance from us) to be rightly advis'd of these things, but by your means and the Representations of us, his faithful Tenants; and since by a late Instruction from his Lordship, it was easy to observe, his Lordship had taken Advice from some that were unacquainted, perhaps for want of yours, it seems Strange that your Honours should propose the waiting for his Lordship's Advice, instead of giving your Advice to his Lordship, in what is agreeable to our Constitution and publick Weal: This seems so far to invert the order and end of your Office, that we hope your Honours will not further insist on it, as a Cause for deferring your Concurrence in the point desired. For, as we esteem it no ways necessary for faithful Councillors to know what will please their Prince before they