

I. We take it as a Truth not to be denied with any Shew of Reason, That the Benefit of the Laws of *England*, as well Statute as Common, is the undoubted Right of the People of *Maryland*; and that their Representatives could not be guilty of any Thing more destructive to the Rights and Liberties of Those who have intrusted them, more inconsistent with their own Duty, or more base and treacherous, than to give up, or consent to impair or lessen that Right; And that, as the best of Laws without being duly Executed, are insignificant and useless; so the Benefit of the good and wholesome *English* Laws will be of no Advantage to the *British* Subject, residing in *Maryland*, unless all possible Care be taken that Justice be equally, justly and impartially administered, according to the Directions of the said Laws; and that the Judges be under the Tie of an Oath to discharge so essential and necessary a Part of their Duty.

II. That altho' the Words, *The Laws, Customs, and Directions, of the Acts of Assembly*, seem to be to us unknown to the Law, as they're applied, and, indeed, an Impropriety; Your Committee will not trouble you with any particular Observation on that Part, referring the same to future Consideration. But on the other Part of the Oath, which runs in these Words, *According to the Laws, Statutes, and Reasonable Customs of England, as have been used and practised in this Province*, is not to be pass'd over; for it seems to your Committee, to be calculated, First, to furnish a Pretence for endless Disputes, which may reach every Case that shall be determined upon the Foundation of an Act of Parliament, *viz.* Whether such Act has ever been made use of in this Province, or which is the same thing, any Judgment given upon it; and consequently to bring the Foundation of such Decision in Question, and such Question cannot be determined in many Cases, even where the Statutes of *England* have been the Foundation of the Judges Resolution, since by any Proceedings in many Causes on Record, the Reasons or Arguments do not appear; nor is it customary to mention General Statutes in the Pleadings, altho' the Judgments of the Court have been actually founded on them. 2dly, To exclude the Subject of the Benefit of every Act of Parliament, whereon no Judgment appears yet to have been render'd, altho' there are many such, that are as necessary to secure the Subject all his Rights and Liberties, as any that he hath already had the Benefit of, in any of our Courts of Justice, and which it is very probable the Subject would have had just Cause to complain of the Breach, and to claim the Benefit of, in a judicial Way, before now, had not evil-minded People been afraid of the Penalties, they might have been liable to, for transgressing such Laws. And, 3dly, to exclude the Subject of any Advantage of future beneficial Statutes; for, in a Grammatical Construction of the Words (have been used) we conceive they will be restrained only to the Statutes heretofore used; and not to mean the Usage in this Province, of Statutes in General; or at best, that such Terms may be made the Subject of Contention, and probably, a Pretence to injure the Subject, by depriving him of the Benefit of a Law, that he has a Right to.

III. That the Words, *for the Letters of the King, the Lord Proprietary, or of any other whatsoever*, are omitted in the Oath, for what Reason we cannot apprehend, unless it be, that it was thought the inserting them was prejudicial to the Royal Prerogative, or the Proprietary's, as hinted by his Honour, the Governour, in his Speech to both Houses.

Your Committee beg Leave to observe, That the Words of the Statute of Eighteenth of *Edward* the Third, which was made near Four Hundred Years since, and has continued ever since without Alteration, are, *That ye deny to no Man Common Right, by the King's Letters, nor none other Man's*: And in the Twentieth Year of the same King, it is observed, That the King had commanded all his Judges, that they should henceforth do equal Law and Execution of Right to all his Subjects, Rich and Poor, without having Regard to any Person, and without omitting to do Right for any Letters or Commands that might come from the King himself, or from any Other, or by any other Cause. And that if any Letters, Writs, or Commandments should go to the Justices, or Other, deputed to do Law, and Right, according to the Usage of the Realm, in Disturbance of the Law, or of the Execution of the same, or of Right to the Parties; that the Justices should Certify the King and his Council of such Letters, and Writs contrary to Law, and proceed to execute the Law. And by the Sixteenth of *Charles* the First, for taking away the *Star-Chamber*, in the Fifth Paragraph of it, which is Declaratory of the Subject's Right, in his Property, It is Declared and Enacted, "That neither his Majesty, nor his Privy Council, have (or ought to have) any Jurisdiction, Power, or Authority, by English Bill, Petition, Articles, Libel, or any other Arbitrary Way whatsoever, to examine or draw into Question, determine or dispose of the Lands, Tenements, Hereditaments, Goods, or Chattles of any the Subjects of this Kingdom: But that the same ought to be tryed and determin'd in the ordinary Courts of Justice, and by the ordinary Course of the Law." The King's Letters are mention'd in the Oath prescribed by the first Act. And Sir *William Thorp*, Chief Justice of the King's Bench, in the 25th Year of *Edward* the Third, was condemn'd to be Hang'd for taking Bribes contrary to that Oath, which Judgment was confirm'd in Parliament. The King's Letters are mentioned in the 20th of *Edw.* III. and the King's Power in the 16th of *Ch.* I. which induc'd the Assembly to insert the Words, *the King's Letters*, in the Oath prescribed by Act here to be taken by the respective Judges; and because the Oath of Judge, in *England*, and all other Obligations and Proceedings in Matters of Judicature, so far as the Circumstances of the Province of *Maryland* will admit of, are most agreeable to the Genius and Constitution of its Inhabitants. And your Committee are at a Loss to know, wherein the inserting Words so necessary, and that have had near Four Hundred Years Approbation, in the Oath of a Judge, can possibly give the least Colour for so heavy a Charge, as your Committee conceives, is contained in the following Part of his Honour the Governour's Speech, "forasmuch as the Words thereof, not only seem to reflect on the Crown, but may also be genuinely construed as intended to affect His Majesty's Royal Prerogative, in several of its Branches, as well in Those reserved peculiarly to His Sovereign Person, as in Those delegated to, or rather, deposited and trusted by the Charter to the Lord Proprietary". Your Committee may venture to affirm, That the Royal Prerogative, is as dear to the People of *Maryland*, as to any other of His Majesty's Subjects; and that they are convinced, their Happiness and Welfare depend, under God, on the present happy Establishment in His present Majesty's August Family;