

L. H. J. of King James the first when one of your Honours was one of the four Judges that filled the Provinciaall Bench; and we cannot think that Instance deserves yo<sup>r</sup> Hon<sup>rs</sup> 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 & inconsistent with our Constituton 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 Doubtfull; 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 clearly declar'd in the Resolves of this House Co<sup>m</sup>unicated to your Honours.

We think your Hono<sup>rs</sup> by this message Leave our ill wishers some room to doubt that you object ag<sup>t</sup> the Judges being sworn to Try & Determine according to any the Laws of England unless declar'd 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 Hon<sup>rs</sup> Sense of things; For as it is well known that these difficulties in Judicature and Governm<sup>t</sup> are what the Enemies of our protestant Constitution (the better to Subvert it) most warmly Contend for, and what we have Sometime Since, as your Hon<sup>rs</sup> can't but have observed, declar'd our Sentiments of, they will no doubt readily lay hold of the Occasion, And quote your Honours words as Countenancing their pretensions, and even Quote your Selves against your selves, and us For so we must account whatever is against [our] p<sup>re</sup>sent Establishm<sup>t</sup> of English Laws and Liberties.

We therefore Hope yo<sup>r</sup> Honours will take away all umbrage of this Sort from those that seek such Innovations, and Join with us in declaring your Sentiments and Just Resentments against them

We are Sorry for your Hon<sup>rs</sup> Sakes that you in the latter part of your message decline a further Concurrence with us in the Subject matter there treated of, untill his L<sup>pp</sup> shall have advised his Governour and Council of State whether such further alteracōns as are contained in M<sup>r</sup> Attorney Generall's Draught of the Oath of a Judge be found Consistent with his L<sup>pps</sup> Charter and agreeable to the Constitution and publick Weal. We understand your Honours as a Council of State to be by office oblig'd to advise his L<sup>pp</sup> and his Governour what was agreeable to the Constitution and publick Weal of this province, and as part of the Legislature we thought you not only advisers but in part Directors too of what was