

grand jury thereof, may and shall perform all the several parts and duties of the said assessors, as fully and amply to all intents and purposes as such assessors themselves (were they chosen) by virtue hereof might or could perform, anything in this or any other act to the contrary in anywise notwithstanding.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed November 27, 1700, Chapter 79; January 12, 1705-6, Chapter 157; and June 7, 1712, Chapter 184; repealed by the Acts of Assembly, passed February 22, 1717-18, Chapter 231, and March 20, 1724-25, Chapter 284.

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### CHAPTER XXXIII.

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AN ACT DIRECTING THE ATTESTS OF SEVERAL OFFICERS AND MINISTERS.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all persons who shall hereafter be commissioned and appointed to be judges, justices, masters of the rolls, sheriffs, clerks, coroners, and all officers of state and trust in this government, and shall, when lawfully required, promise fidelity to the King as sovereign and to the proprietary and governor of this province and territories under the Crown of England an obedience to the laws of this government, and take the attests hereafter mentioned, shall be adjudged and are hereby declared to be qualified to act in their respective offices and places.

The form of judges' and justices' attests shall be in these words, viz.,

Thou shalt solemnly promise, that as judge or justice according to the governor's commission to thee directed, thou shalt do equal right to the poor and rich to the best of thy knowledge and power, according to law, and after the usages and consti-

tutions of this government; thou shalt not be of counsel of any matter or cause depending before thee, but shalt well and truly do thy office in every respect according to the best of thy understanding.

The form of attest to be taken by the master of the rolls, secretaries, clerks and such like officers, shall be thus, viz.,

Thou shalt well and faithfully execute the office of ———, according to the best of thy skill and knowledge, taking the fees only that thou ought to receive by the laws of this government.

The form of the sheriffs' and coroners' attest shall be in these words, viz.,

Thou shalt solemnly promise that thou wilt well and truly serve the King and governor in the office of sheriff (or coroner) of the county of ———, and preserve the King's and governor's rights as far as thou can or may; thou shalt serve and return all the writs and precepts to thee directed; thou shalt take no bailiff or deputy but such as thou wilt answer for; thou shalt receive no writs except from such judges and justices who by the laws of this government have authority to issue and direct writs unto thee. And thou shalt diligently and justly do and accomplish all things appertaining to thy office after the best of thy wit and power, both for the King's and governor's profit, and good of the inhabitants within the said county, taking such fees only as thou ought to take by the laws of this government and not otherwise.

The form of a constable's attest shall be thus, viz.,

Thou shalt solemnly promise well and duly according to the best of thy understanding to execute the office of a constable for the town or county of ———, for this ensuing year, or until another be attested in thy room or thou shalt be legally discharged thereof.

The form of the grand inquest's attest shall be in these words:

Thou shalt diligently inquire and true presentment make of such matters and things as shall be given thee in charge, or come to thy knowledge touching this present service; the King's counsel, thy fellows' and thy own thou shalt keep secret, and in all things thou shalt present the truth, the whole truth and nothing but the truth to the best of thy knowledge.

This being given to the foreman:

The rest of the inquest shall be attested thus (by three at a time), viz.,

The same attestation that your foreman hath taken on his part, you will well and truly keep on your parts.

The form of the attest to be given to the traverse jury (by four at a time) shall be thus:

You solemnly promise that you will well and truly try the issue of traverse between our lord the King and A. B. whom you have in charge, according to your evidence.

In civil causes thus:

You solemnly promise that you will well and truly try the issue between A. B. plaintiff and C. D. defendant, according to your evidence.

The form of the attest to be taken by lawyers, attorneys and solicitors :

Wilt thou perform thy office of a lawyer, attorney or solicitor at law with faithfulness and diligence to the best of thy skill, according to the laws of this government; wilt thou behave thyself with reverence and duty to the proprietary and governor, and with respect to the council and all the courts of justice within this province and territories; wilt thou not take more fees nor oftener, nor plead otherwise than is by the laws allowed, nor take any fee or gratuity of both sides, nor commit barratry, champerty or maintenance, nor advise, countenance or plead for any litigious, false or vexatious person or cause: or anyway counsel, aid, abet or conceal any disaffected, seditious or turbulent person against the proprietary and governor or his heirs, or their rights, dignity or authority, or his or their government, courts, magistracy or officers; but will to the utmost of thy skill and power support, defend and maintain the same without any equivocation or mental reservation, according to the true intent and meaning of the laws of this province and counties annexed, and to the true and genuine sense of the words and engagements aforesaid?

[Section II.] And be it further enacted by the authority aforesaid, That no magistrate who scruples not administering an oath shall be denied or prohibited to administer it to any person who shall have freedom to take the same; and the administration thereof shall be construed and adjudged to be the act

of the said magistrate only, and shall be so entered upon record, and the same shall be valid in evidence out of court or if done in the court shall be as valid as done in the name of the court.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 160.

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#### CHAPTER XXXIV.

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##### AN ACT FOR THE BETTER ATTENDANCE OF THE JUSTICES ON THE SEVERAL COURTS OF JUDICATURE WITHIN THIS PROVINCE AND TERRITORIES.

To the end that the respective justices of the several counties within this province and territories may give their due attendance at the same courts, that business may speedily be effected and the people dispatched to follow their respective callings and affairs:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories thereunto belonging in General Assembly met, and by the authority of the same, That the justices of the peace shall at the respective county courts give their attendance, under the penalty or forfeiture of thirty shillings, the one-half to the poor of the county, and the other to the proprietary and governor; to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the majority of the justices at the next subsequent court, and to be directed to the sheriff of the county; unless such absent justice or justices shall give a sufficient reason for such his absence, to be allowed on by the said court at their next sitting thereof.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II.