

Lib. H. D.

October the 17th 1695.

Lawyers consulted touching Jurisdiction of a Court of Delegates His Excellency having sent for the severall Lawyers in Town to consult them concerning the Jurisdiction of a Court of Delegates whether the said Court have not a parallell Jurisdiction with the Govern^r & Council for hearing Appeals & Writs of

Whitehall Error, Viz^t in the obligation of their either affirming or reversing the sentence of the Commissary Generall, or whether they can affirm one part of the sentence and let alone another, and whether they may make a Judgm^t of their own.

And accordingly appeared M^r Attorney & Sollicitor Gen^{ll} M^r Cheseldyn, M^r Carvile, M^r Carroll, M^r Clarke, and the Case being stated vnto them, and after some debate & consultation of the matter, they desire to consult their Books before they give any positive Opinion therein; therevpon his Ex^{ncy} in his Ma^{ty}s name did Command & Ord^r that for the service of his Majesty & future good of the Countrey they would Return each of them their Opinion vnder their hand of the true State of the same, what the Law says in that Case.

Lawyers Opinion touching Judges Dissents Entering &c^a His Excellency further puts to them if in case any Judge Enters his Dissent to the Judgm^t of the rest of the Judges sitting in Judgm^t with him, whether such Judge dissenting shall not therevpon give or shew some Reason for such his Dissent, & whether the same should be Entred in the Record or not, who are Unanimously of Opinion that any Judge may Enter his Dissent without shewing any Reason, and that such Dissent ought to be Enter'd in the Clerks Minute Book fair writ out, but not in the Record, And therevpon Ordered that the same Rule be observed in all & singular the Courts of Justice within this Province, and that the Clerks of the said Courts be constantly obliged to fair write out every Courts Minutes to be safely kept among the rest of the Record Books, it being adjudged by the Lawyers here that the same will be of very great vse in severall respects.

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The Opinions of the severall Attorneys on the foregoing Case are as follows, Viz^t.

To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^{ll} & Govern^r of Maryland &c^a

Mr Dents Opinion touching the Jurisdiction of a Court of Delegates I have not since your Ex^{ncy} commanded my Attendance seen the question you were pleased to state last night, but if I mistake not it was, what the power & Authority of a Court of Delegates in this Province is what their Jurisdiction is, and by what