

Lib. H. D. & Civill Law for with submission to better Judgm^{ts} I take the Cannons to them to be as the Statutes to the Judges of Co^mon Law, and the Civill separate from the Cannon to be to them as the Common Law to the others, And this at present is the Opinion of
 Yo^r Ex^{ncies} weak but
 Octob^r 18th 1695. obedient Servant
 Will^m Dent.

Maryland ss.

Mr Carrolls Opinion touching the Jurisdiction of a Court of Delegates. In obedience to your Ex^{ncies} Ord^r commanding my Opinion to be delivered to your Ex^{ncy} vpon certain Queries put to severall Gentlemen professing the study of the Law in this Province I do humbly Offer as to the first.

That Whereas your Excell puts the Question what the Jurisdiction of a Court of Delegates is I humbly Offer th^t the shortness of time given by your Ex^{ncy} to answer the question being but one day does not allow me leizure to give your Ex^{ncy} such satisfaction therein as perhaps vpon further time, maturer deliberation and more strict Examination then the shortness of the present time will permit I might be able to do, but how-

p. 230 ever my obedience is such that I will rather Rune, the Risque of mistaking in point of Memory in my reading then disobeying your Ex^{ncies} Commands, wherefore as to the Question In the first place I make a distinction between a Court of Delegates as the constitution of this Province stands and a Court of Delegates absolutely to be Governed by the Civill Law, Common Law & Statute Law of England, because that some Acts of Assembly of this Province do according to our constitution alter some matters relating to Causes cognizable by a Court of Delegates, as particularly the Act for preservation of Orphans Estates, but in generall I am of Opinion that the Jurisdiction of a Court of Delegates in this Province extends to Examin the justness of any sentence given by the Co^mmissary Generall in any cause belonging to his Jurisdiction, which I look vpon only to be matters testamentary and Letters relating to Adm^{rcons} as passing of Accounts, the justness of the Article thereof the Division of intestates Estates, Right of Adm^{rcon} &c^a But by a Court of Delegates in England not only the afores^d Matters are cognoscible but likewise Matters Matrimoniall, matters relating to Tythes matters of spiritual defamation, beating of Clerks &c^a so that the Jurisdiction of such a Court in this province is in a great measure abridged by our constitution from what it is in England.

2^{dly} As to the 2^d Quere, Viz^t whether there does not lye an Obligacon vpon the Court of Delegates of either affirming or reversing the Commissaries Sentence, as in case of Appeals