

lawe ffor noe error will in this case lye, for the Rule is Consensus tollet errorem And Cooke sup. Litt sayth fo. 11. a. 343. 67. a. to this effect Contra neguntem principium non est disputandum Therefore the def^t sayth that the Judgment of the s^d Court as to the dismiss is by the s^d Snowe falsly and malitiously suggested by him to be Erronious vpon all which he humbly craveth the Judgem^t of this hono^{ble} Assembly and humbly prayeth to be dismist wth his reasonable Cost and damages allowed him.

U. H.
Journal
1659-69

Tho. Notley Attorney to
Thomas Gerrard

Wherevpon the howse Considered the two poynts in th^t plea to the first Error (vizt) first that there was never any Recognizance of the said Gerrard given in any Court of Chancery in this Province relateing to the s^d Snowe or others from whome he pretendeth right or power

Secondly that the Error is not rightly layd because the Court gave judgem^t vpon the view of Abell Snowes booke of accounts and other papers wherevpon was produced the Originall Recognizance taken before the R^t hono^{ble} the Lord Proprietor in England and the Record of itt in the Court of Chancery of this Province.

And putt to the Question

Whether the Recognizance taken before the R^t hono^{ble} the Lord Prop^r in England & certified by him from thence and here entred vpon Record in Chancery be a Recognizance in Chancery of this Province as good as if itt were originally acknowledged in this Province p. 218

In the affirmative
Coll W^m Evans
m^r Henry Coursey
m^r Jerome White
The Chancellor
The Leiv^t Generall

In the negative
Coll Vty
m^r E^d Lloyd
m^r Baker Brooke

Resolved

That the Recognizance before specified is A Recognizance given in the Court of Chancery in this Province

Putt to the Question whether the Error be Rightly layd yea or not.

Resolved in the negative

Because the Court as appeareth by the Record did give Judgem^t vpon view of the Records.