

Lib. H. D. All the foregoing papers touching Mr Sharp Referr'd to the Kings Lawyers for their Opinion to be given whether the Writ of Error ought to be deemed legall

Ordered that all the foregoing Papers Viz' the Peticōn of W^m Sharp the Writ of Error and the Oaths Endorsed together with the Minuite of the Council the Ord^r of Reference and Lawyers Report thereon be all Referr'd to the Kings Lawyers for them to make Report upon the whole matter whether the s^d Writ of Error ought to be adjudged deemed and taken for legall and Authentick or not.

Upon Motion of Mr Sollicitr Gen^{ll} the Case concerning Mr Sharp's Writ of Error Order'd to be Argued before the Gov^r & Council as a Court &ca

M^r Sollicito^r Gen^{ll} moves in behalf of his Ma^{ty} that he has some Reasons to Offer, why the Writt of Error and Supersedeas obtain'd by W^m Sharpe upon the Judgm^t afores^d given against him at the Suit of his Ma^{ty} for 1000^{ll} Sterl. ought to be null & void praying that he may have Some Small time to doe it which is granted accordingly and Ordered thereupon that the Lawy^{rs} prepare themselves against Night to attend his Ex^{ncy} and Council who then Intend to Sit as a Court to hear all matters in that Court now lying before them.

p. 495 Ordered that the Sherriff be here with the s^d Sharp, this Night to hear the s^d Reasons Argued.

To his Ex^{ncy} the Gov^r & Council &ca

Kings Lawyers Report vpon Mr Sharps Case.

Vpon Consideracōn of this matter, and the whole State of the Case I humbly Conceive that if M^r Sharp had Petition'd yo^r Ex^{ncy} that he was taken in Execution for a Judgm^t obtain'd ag^t him upon which he had Sued forth a Writt of Error and given Security thereon, but before the Same could issue he was taken in Execution and yet his security and Self lay Engaged and the Writt of Error Sued forth therefore had humbly besought yo^r Ex^{ncy} Either to hear and Determine the matter of Error he had to Assign immediately in favour of liberty or else to take such further security of him to be Answerable to Justice in Case the matter in Law should be adjudged against him thereon, yo^r Ex^{ncy} might with advice of the Council have granted Either Prayer but as to the Writt of Error I cannot say it is legall though it may be legally Granted because I have seen it and Conceive it Imperfect in fform and therefore I take it to be abateable. I am Yo^r Obedient Servant

W^m Dent

The Writ of Error being defective in form no advantage can be taken therein. George Plater.