

damage and contrary to all Equity

Wherefore your Petitioner humbly prays that you will please to grant him leave to assign errors in the proceedings of the^d Court and that in this honourable Assembly you will do him right according to the merits & Justice of his Cause

And he shall pray

Tria Justitia

Charles Calvert

Signed Marmaduke Snowe

After which petition being read he presented his Errors which are as followeth

Errors assigned by Marmaduke Snowe in the Cause late depending between him and Thomas Gerrard and dismissed in the Court of Chancery the 21st February 1662.

Imprimis. For that a Recognizance in Chancery is a Record of the highest & most honourable Court of this Province against which nothing but a discharge upon Record of the same Court can be admitted & yet the Plaintiffs Bill was dismissed upon a base Averment of a few Witnesses.

2^d In the Court of Chancery the Chancellour being the chief & only Judge according to the Law or Custom of England the Plaintiffs Bill was notwithstanding dismissed contrary to the Opinion of the Chancellour

3^d The order of dismissal was granted upon a false & feigned surmise and the Court therein surpris'd; for whereas in the^d Evidence it is surmised that the^d recognizance before the Lord Baltimore was in lieu of the administration of Justice on Snowe's Estate in Maryland, It is apparent by the date of the said Letters of Administration & Quietwest thereupon granted compared with the recognizance afo^d that the Recognizance was Entered into many months after the date of the said Quietwest and that It was in Security for diverse sums of Money due from the^d Thomas Gerrard unto Abel Snowe as well upon the purchase of the whole Estate of the said Abel here in Maryland as for money by him the said Tho: Gerrard borrowed of Abel Snowe for the setting forth of him the^d Tho: Gerrard upon his Voyage into this Province of Maryland never as yet satisfied by the^d Thomas Gerrard

Signed Marmaduke Snowe

Whereupon a Writt ad audiendum Errores was granted & issued out against the said Tho: Gerrard ret: the twentieth Instant & this order following written under next the said Writt [viz]

Ordered that the Sherriff reading this Writt & leaving this order & a Copy of the Writt at the House of Tho: Gerrard shall be sufficient notice to the said Thomas Gerrard.

John Gittings Ck.

The House Adjourned till two of the Clock in the Afternoon