Edward Nicholls Esq.r is desired to appear for the Defendant,

And the aforesaid Charles Burgess by Edward Nicholls his said Attorney defends the force and injury when and so forth, and prays leave of the Court to Imparle hereunto untill next Court, and he hath it, and the same day is given to the aforesaid Joseph Yates, John Petty & Richard Yates also — At which said next Court, to wit, the second Tuesday of October being the eighth day of the same Month Anno Domini seventeen hundred and ninety three come again here into our General Court the aforesaid Joseph Yates and Richard Yates by William Cooke their Attorney aforesaid, and suggest to the Court here, that after the last continuance in the plea aforesaid, and before this day, the said John Petty one of the parties and partner plaintiff with them the said Joseph and Richard Yates in this Cause, to wit, on the day of last past, Died, at Ann Arundel County and this is not denied; And the said Charles Burgess by his Attorney aforesaid also comes here into our General Court and as before defends the force and injury when and so forth, And saith that the aforesaid Joseph Yates and Richard Yates surviving partners as aforesaid their Action aforesaid against him to have or maintain ought not &c. because he saith that the said Charles Burgess did pay unto the aforesaid Joseph Yates, John Petty and Richard Yates the said sum of Money in the Condition of the said Writing obligatory mentioned with legal Interest thereon in the life time of the said John Petty according to the form and effect of the Condition of the said writing obligatory and this he is ready to verify, wherefore he prays Judgment if the aforesaid Joseph Yates and Richard Yates surviving partners aforesaid their Action aforesaid against him to have or maintain ought and so forth. — And the said Joseph Yates and Richard Yates surviving partners aforesaid say, that they by any thing by the aforesaid Charles Burgess above in pleading alledged from having or maintaining their Action aforesaid against him ought not to be precluded, because they say, that the aforesaid Charles Burgess did not pay unto them the said Joseph Yates, John Petty, and Richard Yates the aforesaid sum of money in the Condition aforesaid mentioned with the Interest thereon in the life time of the said John Petty in such manner and form as the aforesaid Charles Burgess above by pleading hath alledged. And of this they pray may be enquired of by the Country &c. and the aforesaid Charles Burgess in like manner &c. — Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of May next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c. — And now here, at this day, to wit, the said second Tuesday of May being the thirteenth day of the same Month Anno Domini seventeen hundred and ninety four come again here into our General Court as well the aforesaid Joseph Yates and Richard Yates surviving partners aforesaid by their Attorney aforesaid, as the aforesaid Charles Burgess by his Attorney aforesaid — Nevertheless the aforesaid Charles Burgess by his Attorney aforesaid relinquishing the avernment aforesaid above by him pretended says that he cannot deny the action aforesaid of the aforesaid

Joseph Yates and Richard Yates surviving partners aforesaid so as aforesaid against him brought, nor but that he owes to the aforesaid Joseph Yates and Richard Yates surviving partners aforesaid the aforesaid sum of Four hundred and Twenty nine pounds five shillings and eight pence current money in manner and form aforesaid so as the aforesaid Joseph Yates and Richard Yates surviving partners as aforesaid in the life time of the said John Petty above against him have declared. —

Therefore it is considered by the Judges here that the said Joseph Yates and Richard Yates surviving partners aforesaid recover against the aforesaid Charles Burgess as well the sum of Four hundred and twenty nine pounds five shillings and eight pence current money their Debt aforesaid in form aforesaid confessed as also the quantity of Eight hundred and thirteen pounds of Tobacco by the Court here unto the said Joseph Yates and Richard Yates surviving partners aforesaid on their assent adjudged as well for their damages which they had sustained by reason of the detention of that debt as for their costs and charges by them about their Suit in this behalf laid out and expended, And the said Defendant in Mercy &c. — Memorandum, Judgment was rendered in this Cause, on the seventeenth day of May Anno Domini one thousand seven hundred and ninety four, for Penalty and Costs of Suit, And the Plaintiffs agree to release the Penalty upon the payment of Principal Interest and Costs, and agree to stay Execution untill the first day of August next, pay if any to be allowed. —

Test. John Gwinn Clk.

Afterwards, to wit, On the sixteenth day of May Anno Domini one thousand seven hundred and ninety five the aforesaid Charles Burgess produced the State of Maryland's Writ of Error commanding the Judgment aforesaid to be transmitted to the State of Maryland's High Court of Appeals, the tenor whereof ensues in the words and figures following, to wit. — Maryland, sc. The State of Maryland. To the Honorable the Judges of the General Court greeting, Because in the Record and process and also in the rendering Judgment on a certain Action of Debt brought by Joseph Yates and Richard Yates against Charles Burgess for the sum of Four hundred and twenty nine pounds five shillings and eight pence current money and Eight hundred and forty nine pounds of Tobacco Costs of Suit at a General Court of the Western Shore at May Term one thousand seven hundred and ninety four — Manifest Error as it is said has happened to the great Damage of the said Charles Burgess as of his complaint we have received and we being willing that the Errors if any there be should be duly corrected and full and speedy Justice done to the said Charles Burgess in this behalf Command you that if Judgment be thereof rendered that then the Record and process aforesaid with all things thereunto relating under your Seals distinctly and openly you send and this Writ so that the same may be had before the Judges of our High Court of Appeals at Annapolis the second Tuesday in June next that the Record and process aforesaid being inspected into we may further do therein for the correcting of that Error which of right and according to the Laws and Customs of this State may be done. Witness the Honorable Alexander Contee Hanson Esquire Chancellor this sixteenth day