but that the said Joseph Yates and Richard Yates surviving partners aforesaid have sustained damage by reason of the non performance of the promise and assumption aforesaid to the sum of one hundred pounds current money in the manner and form as the said Joseph Yates and Richard Yates surviving partners aforesaid, in their declaration aforesaid against him complain besides his costs and charges by him about his suit in this behalf laid out and expended. &c.

And thereupon the said Joseph Yates and Richard Yates surviving partners aforesaid by their attorney aforesaid, pray Judgment and their damages in form aforesaid confessed together with their costs and charges by them about their suit in this behalf laid out and expended to them to be adjudged. &c.

Therefore it is considered by the Justices of the Court here that the said Joseph Yates and Richard Yates surviving partners aforesaid recover against the said Oswald Brooke as well the sum of one hundred and fifty pounds current money their damages aforesaid in form aforesaid confessed as the sum of one shilling and ten pence half penny current money and the quantity of six hundred and thirty seven pounds of tobacco by the Justices of the court here unto them the said Joseph Yates and Richard Yates surviving partners afsd on their agreement adjudged for their costs and charges by them about their suit in this behalf laid out and expended, and the said Oswald Brooke in mercy. &c.

Memorandum Judgment was rendered in this cause on the fifth day of April seventeen hundred and ninety seven for the damages and costs aforesaid, "To be released on payment of seventy four pounds eight shillings and eleven pence current money with interest thereon from the twelfth day of July seventeen hundred and ninety three and costs,

Test John Read Magruder Jun.r Clk

Afterwards to wit on the nineteenth day of January one thousand seven hundred and ninety nine the said Oswald Brooke produced the State of Marylands writ of error directed to the Honourable the Justices of Prince Georges county court closed in the words following to wit.

Maryland Set. The State of Maryland to the Honourable the Justices of Prince Georges County Court Greeting: Because in the record and process and also in the rendering of Judgment on a certain action brought by Joseph and Richard Yates against Oswald Brooke for the sum of one hundred and fifty pounds current money and costs, "To be released on payment of seventy four pounds eight shillings and eleven pence current money with interest from the twelfth day of July seventeen hundred and ninety three and costs, at a court held before you our said Justices at April term seventeen hundred and ninety seven, manifest error as it is said hath happened to the great damage of the said Oswald Brooke 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 Oswald Brooke, 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 General Court at Annapolis on the second tuesday of May next that the record and process aforesaid being inspected into we may further do therein for correcting that

error which of right and according to the laws and customs of this State may be done, Witness the Honourable Alexander Contee Hanson Chancellor this sixteenth day of January seventeen hundred and ninety nine

Test Sam.l Harvey Howard Reg. Cur. Can

In pursuance whereof and agreeably to the Act of Assembly in such cases made and provided a transcript of the record and proceedings in the action aforesaid is hereby transmitted with the writ of error annexed to the Honourable the Judges of the General Court of the Western Shore.

Test. John Read Magruder Jun.r clk

In testimony that the aforegoing is truly taken from the record of proceedings of Prince Georges County Court.

(Seal of P. Geo. County Ct.)

I do hereunto subscribe my name and affix the seal of the county aforesaid this first day of May seventeen hundred and ninety nine.

Test John Read Magruder Jun.r Clk P. Geo.s County Ct.

At which said day to wit the said second tuesday of May being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety nine comes into the General Court here as well the said Oswald Brooke by Arthur Shaaff his attorney aforesaid as the said Joseph Yates and Richard Yates surviving partners aforesaid by Philip Barton Key their attorney aforesaid. and thereupon on motion of the said Joseph Yates and Richard Yates surviving partners aforesaid by their attorney aforesaid, It is ruled by the court here that the said Oswald Brooke assign the errors in the record of proceedings between the said Oswald Brooke and the said Joseph Yates and Richard Yates surviving partners aforesaid before the court here brought for correcting those errors in the record and proceedings aforesaid supposed to be therein or Judgment by the court here will be entered against him in default thereof. Whereupon the said Oswald Brooke by his attorney aforesaid comes and prays a day of Imparlance to the errors afsd for the reversal of the Judgment aforesaid by him the said Oswald Brooke to be assigned until the second tuesday of October next, and then to assign those errors for the reversal of the Judgment aforesaid in the record and proceedings aforesaid rendered and to him it is granted the same day is given to the said Joseph Yates and Richard Yates surviving partners as aforesaid also At which said second tuesday of October being the eighth day of the same month in the year of our Lord one thousand seven hundred and ninety nine, to which said day the said Oswald Brooke had leave to imparle and then to assign those errors for the reversal of the Judgment aforesaid in the record & proceedings aforesaid rendered, supposed to be therein, come again into the General Court here as well the said Oswald Brooke by his attorney aforesaid, as the said Joseph Yates and Richard Yates surviving partners aforesaid by their attorney afsd and the said Oswald Brooke by his attorney aforesaid, cometh and saith that in the record and process aforesaid and also in the giving Judgment aforesaid there is manifest error in this to wit, that whereby the record aforesaid it appears that the Judgment aforesaid in the plea aforesaid given was given for the said Joseph Yates and Richard Yates surviving partners aforesaid against the said Oswald Brooke, therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and others being in the record and process aforesaid may be reversed, annulled and wholly holden for naught and that the said Oswald Brooke may be restored to all that he has lost

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