

On Motion this day made by Michael Macnemara Gent in a Cause wherein John Digges was plaintiff in Appeale and John Beale deft on the Judgment of the Prov<sup>al</sup> Court affirmed with Costs and Appeale Granted to his Majesty in Council. It is the Opinion of this Court that on payment of the Said Cost The Said John Beale ought to Give Security to Make Restitution thereof if So adjudged by his Majesty in Council.

[WB] Michael Macnemara Son and heir of Thomas Macnemara Esq<sup>r</sup>  
deced v Thomas Brook Esq<sup>r</sup>

Heretofore as it appears in the Records and Entries of this Court To witt on the fifth day of July Anno Domini Seventeen hundred and twenty Eight The Right Honourable the Lord Proprietary Directed to his Lordships Justices of the Provincial Court his Lordships Writt Close which follows in these words

MARYLAND SS Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltmore etc: To the justices of the Provincial Court And sherriff of Ann Arundell County Greeting Because in the Record and Process As also in Rendering of Judgment of a Plea which was in Our said Provincial Court before William Lock Esq<sup>r</sup> One of the justices of the said Provincial Court And Others his Associates Justices of the said Court of A Debt by Our Writt Between Thomas Brooke Esq<sup>r</sup> Plaintiff And Michael M<sup>c</sup>nemara of Ann Arundell County Gent<sup>e</sup> Son and Heir of Thomas M<sup>c</sup>nemara Esq<sup>r</sup> his late father Deceased Otherwise lately Called Thomas Macnemara Defendant for the sum of four Hundred and Ninety Seven Pounds fifteen shillings Which the said Thomas Brooke recovered Against the said Michael As his Certain Debt As also the sum of [801] One thousand four hundred and Ninety Nine Pounds of Tobacco Which to the Said Thomas for his Costs and Damages In that Part Was Adjudged Manifest Error hath happened As it is Said to the Great Damage of the Said Michael Macnemara As of his Complaint We have received We being Willing that the Error if any there be should be Duly Corrected And full and Speedy justice Done to the said Parties in that Part We Command You that if Judgment be thereon rendered that then the Record and Process Afores<sup>d</sup> With all things touching the same to Us Under Your hands and Seals Distinctly and Openly You send and that this Writt so that they May be had before Our Governour and Council in Our High Court of Appeals to be held at the City of Annapolis on the first tuesday of October next being the first Day of the same Month That the Said Record and process afores<sup>d</sup> May be Inspected And further Do for Correcting that Error Which of Right And According to the Laws and Customs of the Kingdom of England And this Our Province of Maryland Ought or may be Done We also Command You the said Thomas Brooke Your Agents Attorneys And Sollicitors to Surcease