due from or recovered against any Testator or Intestate or their Effects before a non
est Inventus on a Capias ad respondendum be returned against the Executor or
Administrator or a fieri facias returned Nulla bona by the Sheriff of the County
where such Executor or Administrator should live or where the Effects of such
deceased should lye or such other Apparent Insolvency or Insufficiency of the
Person or Effects of such Executor or Administrator as should in the Judgment of
the Provincial Court that should hear the Cause render such Creditors remedi-
less by any other reasonable means save that of suing such Bonds on
pain that such person or persons that should Cause such Bonds Contrary to
the true Intent & Meaning of such Act to be sued should be Condemned in
full Costs of Suit to be adjudged by such Provincial Court to the Defendant or
Defendants that shall be so sued against the Person or Persons that should
Cause the same to be sued and should award Execution thereof as usual in
other Cases as by the said Act still in full force & Virtue may more at large
appear And the said William further Saith that at this time it is that a fieri
facias bearing Test the Seventeenth Day of July in the Twenty first
year of his Lordships Dominion & in the year of our Lord One thousand
Seven hundred & thirty five did Issue out of this Provincial Court here of
the Right Honble the Lord Propry returnable before the Justices of this
Court here then to be held at Annapolis the third Tuesday of October then
next directed to the Sheriff of Ann Arundell County Commanding him that
of the Goods & Chattles which were of William Holland Esqr deceased at the
time of his Death in the hands of the said Elizabeth & William Holland
& Thomas Holland Executors of the Testament & Last Will of the said William
Holland to be administred being in his Bailywick he should Cause to be made
as well the Sum of Two hundred & Sixty four pounds one Shilling & four pence
Certain Damages which William Hunt in this Provincial Court here
before the Justices thereof at Annapolis on the Eighth Day of July then
Instant recovered against the said Elizabeth & William & Thomas Executors
as af^d as also the Sum of Two thousand three hundred Seventy four & a half
pounds of Tobacco which in this Court here was adjudged unto the said W^m
Hunt for his Costs & Damages Sustained by Occasion of Detaining the same
Debt of the said Goods & Chattles to be levyed if so much thereof in their hands
they should have p^r then the Cost of Suit af^d to be levyed of the proper
Goods & Chattles of the said Elizabeth & William & Thomas And at this an
Indorsement was made on the said Writ of the Words Nulla bona Subscri-
bed by Nicholas Maccubbin then Sheriff of the said Ann Arundell County
yet the said William Saith that there is not any Such Record of ~~such~~
such Recovery or Judgment of this Provincial Court here of the Lord
Propry remaining on Record as alledged in the said Writ of fieri facias
And this he is Ready to Verify p^r And the said William by leave of the
Court here p according to the form of the Statute in such Case lately made
& provided further Saith that the said Writ of fieri facias was sued out
before the Twenty first Day of October One thousand Seven hundred and
thirty five & that the said third Tuesday of October in the said ~~writ of~~ fieri
(facias)

facias mentioned & to which said third Tuesday of October the said fieri facias was
returnable was the same Twenty first Day of October af^d on which the said fieri
was Issued as af^d And the said William further Saith that it
he the said William & Thomas Ex^rs as af^d or any of them were ever required by
the said William Hunt in the Indorsement af^d mentioned or any Sheriff or other
Person on his behalf to Show all or any part of the Personall Estate of the said
William Holland Deceased in their or either of their hands unadministred to
the said Sheriff or his Deputy so that such Sheriff might levy such part thereof
of as the said William Hunt in the Indorsement af^d mentioned or his Attorney
in Fact or in Law should direct by Virtue of the said fieri facias although the
said Elizabeth William and Thomas Executors as af^d always were & still are
(to wit) in Ann Arundell County af^d willing & ready to Show all the Person
nal Estate of the said William Holland Deceased in their or either of their
hands unadministred to the Sheriff or his Deputy so that such Sheriff might
or may levy such part thereof as af^d And the said William further Saith
that a non est Inventus on a Capias ad respondendum was never returned
against the said Elizabeth & Thomas Ex^rs as af^d or any of them as Ex^rs
as af^d at the Suit of the said William Hunt in the Indorsement af^d mentioned
nor is there any Apparent insolvency or insufficiency of the Person or
Effects of the said Elizabeth & Thomas Ex^rs as af^d so as to render the
said William Hunt in the Judgment af^d mentioned remediless by any other reasonable means save that of
suing the Writing Obligatory af^d & those Severall Matters he the said William
is ready to verify & Wherefore he prays Judgment if the said Attorney General
on behalf of the said Lord Propry the Action af^d against him to have and
maintain p^r And if the said William ought not to be Condemned in
full Costs of Suit p^r.

And the said Attorney General Saith that he by anything above alledged
from having & maintaining the Action af^d against the said William for the said
Lord Propry ought not to be precluded because protesting that the Plea af^d & the
Matters therein Contained are insufficient in Law to preclude the said Lord Propry
of having his Action af^d or to Compell the said Attorney General for the said Lord
Propry to answer thereto & that the said Attorney General to the said Plea
hath no Need nor by the Law of the Land is held to answer And protesting
that Elizabeth Holland one of the Executors of the said William Holland the Testator on the
first Day of July in the Year of our Lord Seventeen hundred & thirty five & long
before & always afterwards hath resided in Dorchester County And that the said
William Holland & Thomas Holland the other two Executors of the said William
Holland the Testator on the said first Day of July in the Year af^d & long before
& ever Since have resided in Calvert County And protesting that at a Provincial
Court held at Annapolis the Eighth Day of July in the Year of our Lord Seventeen
hundred & thirty five before Levin Gale Esqr & his Associates Justices of the same
Court the af^d William Hunt in the Indorsement on the said Writ mentioned
recovered by Consideration of the same Two hundred & Sixty four Pounds One Shilling
& four Pence Sterling Certain Damages & two thousand three hundred & fifty Pounds
of Tobacco Cost against the said Elizabeth Holland William Holland & Thomas
(Holland)