Elizabeth William & Thomas Elg as afs. are Convict & have you then & there this Writ Witnes Levin Gale Esqr. Chief Justice of our Provincial Court the Seventeenth Day of July in the twenty first year of our Dominion & Annoq Dominj — Seventeen hundred & thirty five upon which same Writ the said Sheriff on the third Tuesday of October returned Nulla Bona as by the same Writ and the return thereof in the Court here remaining is manifest And the said Attorney Generall in fact saith that the said Writ of fieri facias issued on the recovery afs. And the said Attorney Generall further saith that the said Elizabeth Willm & Thomas have not yet satisfyed or paid the said two hundred Sixty four pounds five Shilling & four pence or any part thereof which according to their Duty as Executors afs. & according to the Condition of the said Writing they ought to have satisfyed And this the said Attorney Generall is ready to verify & therefore prays Judgment for the Debt afs. together with the Damages sustained by Occasion of the Detention of that Debt to the said Lord Propry to be adjudged with this that the Attorney Generall will verify that William Hunt in the recovery afs. & in the Generall Writs of fieri facias afs. mentioned & William Hunt in the Indorsement of the Writ afs. mentioned is one & the same & not others or divers.

And the afs. William Holland says that the Plea afs. by the said Attorney Generall on behalf of the said Lord Propry in manner & form afs. above by replication pleaded & the Matter therein Contained are not Sufficient in Law the Action afs. against him the said William to have & maintain & that he to the plea afs. in manner & form afs. pleaded hath nowise not by the Law of the Land in any wise is held to answer And this he is ready to verify — Wherefore for want of a Sufficient Replication in this part he the said William as before prays Judgment And that the said Lord Propry from his Action afs. against him to have be precluded &c.

And the afs. Attorney Generall for that he hath above in his replication alledged Sufficient matter in Law to have & maintain the Action afs. for the said Lord Propry against him the said William Holland which he is ready to verify which matter the afs. William hath not gainsayed nor thereunto in any wise answered but the same to admit for true hath altogether refused Wherefore as before the said Attorney Generall prays Judgment for the Debt afs. together with the Damages occasioned by the Detention of that Debt to the said Lord Propry to be adjudged &c.

Whereupon all & singular the Premises by the Court here being seen heard fully understood & Mature Deliberation thereupon had for that it seems to the Court here that the Plea of the afs. Attorney Generall above by replying pleaded And the Matter therein Contained are not Sufficient in Law for the afs. Attorney Generall the Action afs. against him the said William Holland to have and Maintain.

Therefore it is Considered by the Justices here the 16th Day of May Anno Dom 1730 afs. that the said Lord Propry take nothing by his Writ afs. and that the said William Holland go thereof without Day &c. And also it is Considered that the said William Holland recover against the said William

(Hunt)

Hunt the Person at whose request this Action was brought the Sum of

1149) Pounds of Tobacco by the Court here unto him on his Account adjudged for his Costs & Charges by him about his Defence in this behalf laid out & expended &c.

Whereupon the said Daniel Dulany Esqr. his Lordships Attorney Generall who for his said Lordship in this behalf prosecutes prays an Appeal from the Judgment afs. so as afs. rendered to the High Court of Appeals which is accordingly granted. And it is ordered by the Court here that the Record & Proceedings in the premises afs. be transmitted to the Court of Appeals accordingly

Mem: Coll: Hooper withdrew from the Bench on the Argument of this Cause.

DD. The Lord Propry of Maryland Pl.

vs

Ely Thomas Holland otherwise Called Thos. Holland of Calvert County Gentleman

Thomas Holland of Calvert County Gentleman was summoned to answer unto the Right Honourable the Lord Proprietary of this Province of a plea that he render unto him Eight thousand Pounds Sterling Money which to him he owes & unjustly Detains.

And whereupon Daniel Dulany Esqr. Attorney General of the said Lord Propry who for the said Lord Propry in this behalf followeth Saith that Whereas the said Thomas Holland the twenty fourth Day of March in the Eighteenth year of his said Lordships Dominion & Annoq Dom Seventeen hundred and thirty two at Annarundell County in the Province aforesaid by his Certain Writing Obligatory granted himself to be held & firmly bound unto the said Lord Propry in the said Eight thousand Pounds Sterling money to be paid to the said Lord Propry when thereunto required Yet the said Thomas Holland altho' often required the said Eight thousand Pounds Sterling Money or any Part thereof to the said Lord Propry hath not rendered but the same to the said Lord Propry hitherto to render hath gainsayed & still doth gainsay to the Damage of the said Lord Propry Ten thousand Pounds Sterling And therefore this Suit is brought.

D Dulany

And the afs. Thomas Holland by Edmund Jennings his Attorney Comes & defends the force & Injury when &c. And prays a hearing of the Writing Obligatory afs. which is read unto him he also prays a hearing of the Condition of the Writing Obligatory afs. which is also read unto him in those Words — fo. The Condition of the above Obligation is such that if the above bound Elizh Holland Wm Holland & Thos. Holland Executors of the last Will and Testament of Coll Wm Holland late of Anna Arundell County deceased do make or cause to be made a true and perfect Inventory of all & singular the Goods Chattels rights & Credits which were of the Deceased at the time of his Death according to Law (appraised in Money) together with a List of the Debts Sperate & Desperate & the same so made do Exhibit or Cause to be Exhibited into the Office for Probate of Wills &c. at or before the 24th Day of June next ensuing & the same Goods Chattels & Credits

(Do)