Justice of our Provincial Court the Seventeenth Day of July in the twenty first year of our Dominion &c Annoque Domini 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 & 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 is ground on the Recovery af. And the said Attorney Generall further Saith — that the said Elizabeth William & Thomas have not yet satisfyed or paid the said two hundred Sixty four Pounds One Shilling & four Pence or any part thereof which — according to their Duty as Executors af. & 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 af. 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 said Attorney Generall will verify that William Hunt in the Recovery af. & in the Severall Writs of fieri facias af. mentioned & Wm Hunt in the Indorsement of the Writ af. mentioned is one & the same & not others or divers.

And the af. Thomas Says that the Plea af. by the said Attorney Generall on behalf of the said Lord Propry in Manner & form af. above by replication pleaded & the matter therein Contained are not Sufficient in Law the — Action af. against him the said Thomas to have & maintain & that he to that plea af. in manner & form af. pleaded hath no need nor 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 Thomas as before prays — Judgment & that the said Lord Propry from his Action af. against him to have be precluded &c.

And the af. Attorney Generall for that he hath above in his replication alledged Sufficient Matter in Law to have & maintain the Action af. for the said Lord Propry against him the said Thomas Holland which he is ready to — verify which Matter the af. Thomas 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 af. — 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 af. Attorney Generall above in replying pleaded & the matter therein Contained are not Sufficient in Law for the af. Attorney Generall the Action af. against him the said Thomas to have & maintain.

Therefore it is Considered by the Justices here the 16th Day of May Anno Dom. 1738 af. that the said Lord Propry take nothing by his Writ af. And that the said Thomas Holland go thereof without Day &c And also it is — Considered that the said Thomas Holland recover against the said William Hunt the Person at whose request this Action was brought the Sum of

10,2 Pounds of Tobacco by the Court here unto him on

(his)

his Assent adjudged for his Costs & Charges by him about his Defence in this — behalf laid out & expended &c.

Whereupon the said Daniel Dulany his Lordships Attorney Generall who for his said Lordship in this behalf prosecuteth prays an Appeal from — the Judgment af. so af. rendered to the High Courts of Appeals which is accordingly granted And it is ordered by the Court here that the record & Proceedings in the Premises af. be transmitted to the Court of Appeals accordingly — Mr. Chas. Hooper takes Rec. from the Bench upon the Argument of this Cause — —

Pd The Lord Propry } vs. } Elizabeth Holland } & Maryland } Mrs. Elizabeth Holland of Dorchester County Widow otherwise called Eliz. Holland Widow of Ann Arundel County was summoned to Answer unto the Right Honourable the Lord Propry of this Province of Maryland that she render unto him Eight thousand Pounds Sterling Money which to him she Owes & unjustly Detains.

And Thereupon Daniel Dulany Esq. Att. Gen. of the said Lord Propry who for the said Lord Propry in this behalf Follows Saith that whereas the said Eliz. Holland the twenty fourth Day of March in the Eighteenth year of his said Lordship Dominion & Anno Dom. Seventeen hundred & thirty two at Ann Arundel County af. by her Certain Writing Obligatory granted her self to be held & firmly bound to the said Lord Propry in the Sum of Eight thousand Pounds sterling money to be paid to the said Lord Propry when thereunto required yet the said Eliz. Holland altho often required the said Eight Thousand Pounds sterling money to the said Lord Propry or any Part thereof hath not yet 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 Eight thousand Pounds like Money & therefore this Suit is brought.

Dulany

And the af. Eliz. Holland by William Cumming her Att. Comes & Defends the force & Injury when &c. And prays a hearing of the Writing Obligatory af. which is read unto her She also prays a hearing of the Condition of the Writing Obligatory af. which is also read — unto her in these Words (Viz.) The Condition of the above Obligation is Such that if the Above bound Eliz. Holland William Holland & Thomas Holland Exs. of the Testam. & last Will of Wm William Holland late of Ann Arundell County Deceased do make or Cause to be made a true & perfect Inventory of all & Singular the Goods Chattles 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 & Grants before the twenty fourth Day of June Next Ensuing & the same Goods Chattles — Credits do well & truly Administer Viz. do pay the Debts of the said Deceased so far as he did owe at the time of his Death as also all such Reasonable Charges & Fees as have arisen or shall Arise or become due to any his Lordships Officers and Others from the said Eliz. Holland William Holland & Thomas Holland on the Account of the said Deceased or his Estate so far forth as the said Goods Chattles

(said)