

vert County afs^d he the said Thomas Lingan Offered to pay and Satisfie to the said Daniel Dulany the damages and Costs afs^d out of the said goods and Chattles, and the same Thomas Lingan always afterwards was and still is ready to pay the same to the said Daniel Dulany if the said Daniel would Accept thereof, And this he is ready to verifie wherefore he prays Judgment if the afs^d Attorney Gen^l the Action afs^d against him to have ought etc:

And the Same Attorney Gen^l Saith that the afs^d plea by the afs^d Thomas Above by rejoynder pleaded and the matter in the Same Contained is not Suff^t in Law the same Attorney Gen^l from the Action afs^d to preclude and that he to that Plea in manner and form afs^d Pleaded hath no need nor by the Law of the Land is held to answer for that That the afs^d plea above by rejoynder pleaded Departs from the plea of the afs^d Thomas above by pleading pleaded and that plea by way of Rejoynder is Contradictory, And this he is ready to verifie wherefore as before prays Judgm^t for the Debt afs^d together with the Damages Occasion'd by the Detention of that Debt to be to him the said Lord Proprietor adjudged.

And the afs^d Thomas Cockshutt for that he hath above in his Rejoynder pleaded alledged suff^t matter in Law to barr the afs^d Attorney Gen^l from haveing his Action afs^d against him the same Thomas Cockshutt which he is ready to verifie which matter the afs^d Attorney Gen^l hath not gainsay'd nor thereunto in any ways Answered but the same to admit for true hath altogether refused as before prays Judgm^t and that the said Attorney Gen^l from his Action afs^d against him the said Thomas Cockshutt may be barred etc.

[448] Whereupon all and Singular the premisses being by the Court here seen heard and fully understood and mature deliberation being thereupon had for that it seems to the Court of his L^dship the Lord proprietor here that the afs^d Thomas Cockshutt hath above in the rejoynder pleaded Alledged Suff^t matter in Law to debarr the afs^d Attorney Gen^l from having his Action afs^d against him the same Thomas Cockshutt.

Therefore it is Considered by the Justices here the 20th day of September Anno Domi 1720 afs^d that the said Thomas Bordley Esq^r his Lordships Attorney Gen^l who for his L^dship Prosecuteth as afs^d take nothing by the Writ afs^d and that the said Thomas Cockshutt go thereof without day.

And also it is Considered by the Justices here that the said Thomas Cockshutt recover against the afs^d Daniel Dulany (at whose request this Action was brought) the sum of one thousand and forty pounds of Tobacco by the Court here adjudged unto him for his Costs and Charges in this behalf laid out and Expended according to the form of the Act of Assembly in that Case made and Provided etc.

Afterwards to Wit in the same Court or Term the said Daniel Dulany pray an Appeale from the Judgm^t of this Court to the high Court of Appeales which is granted giving Security according to Law.

Thereupon the said Daniel Dulany together with Phillip Lee and