

time was then and there found in Arrear towards the said Daniel in two thousand fifty and one pounds of Tobacco for the recovery whereof the same Daniel afterwards (to wit) the seventeenth day of March Anno Domi Seventeen hundred and Eighteen at a County Court held at Calvert County afs^d before John Smith Gent: and his Associates Justices of the same County Sued and Impleaded the said Thomas Lingan by the name of Thomas Lingan of Calvert County Gent: Ex^r of the Testamant and last Will of Edward Boteler of Calvert County Gent: deced in a plea of Trespass upon the Case wherein it was so farr proceeded that the same Daniel afterward (to wit) the sixteenth day of June Anno Domi Seventeen hundred and Nineteen, at a Calvert County Court held at Calvert Town in Calvert County before the same John Smith and his Associates that it was Considered by the same Court that the said Daniel should recover against the said Thomas Lingan Ex^r of Edward Boteler as well one thousand five hundred and Seventy five pounds of Tobacco Damages as three hundred and seventy pounds of Tobacco for his cost and Charge about his said suit laid out and Expended to be levyed of the goods and Chattles which were of the said Edward in the hands of the said Thomas unadministred if so much thereof in his hands he had etc: and if so much thereof in his hands he had not then the Cost of suit afs^d to be levyed of the proper goods and Chattles of the said Thomas whereof he was Convict, And the said Attorney Gen^l further saith that severall goods and Chattles which were of the said Edw^d at the time of his Death before the Impetration of the Originall writ in this Cause to the Value of twenty thousand pounds of Tobacco came to the hands and possession of the said Thomas Lingan, out of Which he might have Satisfied the Damage and Cost afs^d (to wit) at Calvert County, and that after the recovery afs^d and before the Impetration of the Originall Writ in this Cause (to Wit) the tenth day of August Anno Domi: Seventeen hundred and Nineteen at Calvert County afs^d and often before and after the said Thomas was by the said Daniel requested to [456] pay and Satisfie unto the said Daniel the Damage and Costs afs^d but the same Thomas the s^d damage and Cost or any part thereof hath not satisfied but the same unsatisfied and unpaid Still remaineth, and this the said Attorney Gen^l is ready to verifie and therefore prays Judgment for the Debt afs^d together with the damage and Cost Occasioned by the detention of that Debt to be to him Adjudged etc.

And the said Thomas Lingan Saith that true it is the said Daniel Dulany in the Replecation afs^d mentioned Obtained the Judgm^t in the said Replecation mentioned as the said Attorney above by pleading hath Alledged and that the said Thomas Lingan at the time of the Obtaining the Judgm^t afs^d to Wit at Calvert County afs^d had of the goods and Chattles which [were] of the said Edw^d Boteler at the time of his death in his hands to be administred Suff^t to Satisfie the Damages and Costs in the same Judgm^t mentioned yet the said Thomas Lingan saith that after the recovery afs^d and before the Im-