

petration of the Original Writ in this Cause (to wit) the tenth day of August Anno Domi Seventeen hundred and Nineteen at Calvert County afs<sup>d</sup> he the said Thomas Lingan Offered to pay and Satisfie to the said Daniel Dulany the Damages and Costs afs<sup>d</sup> 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 Dulany would accept thereof And this he is ready to verifie wherefore he prays Judgm<sup>t</sup> if the afs<sup>d</sup> Attorney General the Action afs<sup>d</sup> against him to have Ought etc:

And the same Attorney Gen<sup>l</sup> saith that the afs<sup>d</sup> plea by the afs<sup>d</sup> Thomas above by rejoinder pleaded and the matter in the same Contained is not Sufficient in Law the same Attorney Gen<sup>l</sup> from the Action afs<sup>d</sup> to preclude and that he to that plea in manner and form afs<sup>d</sup> pleaded hath no need nor by the Law of the Land is held to Answer for that that the afs<sup>d</sup> Plea above by rejoinder Pleaded Departs from the Plea of the afs<sup>d</sup> Thomas above by pleading pleaded and that plea by way of rejoinder is Contradictory and this he is ready to verifie wherefore as before prays Judgm<sup>t</sup> for the Debt afs<sup>d</sup> together with the Damages Occasioned by the Detention of that Debt to be to him the said Lord Prop<sup>y</sup> Adjudged.

And the afs<sup>d</sup> Thomas Lingan for that he hath above in his rejoinder pleaded Alledged suff<sup>t</sup> matter in Law to barr the afs<sup>d</sup> [458] Attorney General from having his Action afs<sup>d</sup> against him the same Tho<sup>s</sup> Lingan which he is ready to verifie which matter the afs<sup>d</sup> Attorney Gen<sup>l</sup> hath not gainesayed nor thereunto in any ways answered but the same to admit for True hath altogether refused as before prays Judgment and that the said Attorney Gen<sup>l</sup> from his Action afs<sup>d</sup> against him the same Thomas Lingan may be barred etc.

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 Lordship the Lord proprietor here, that the afs<sup>d</sup> Thomas Lingan hath above in his Rejoinder pleaded Alledged Suff<sup>t</sup> matter in Law to barr the afs<sup>d</sup> Attorney Gen<sup>l</sup> from having his Action af<sup>d</sup> against him the same Thomas Lingan.

Therefore it is Considered by the Justices here the 20<sup>th</sup> day of September Anno Domi 1720 afs<sup>d</sup> that the said Thomas Bordley Esq<sup>r</sup> his L<sup>d</sup>ships Attorney Gen<sup>l</sup> who for his Lordship prosecuteth as afs<sup>d</sup> take nothing by the Writ afs<sup>d</sup> and that the said Thomas Lingan goe thereof without day.

And also it is Considered by the Justices here that the said Thomas Lingan recover against the afs<sup>d</sup> 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 forme of the Act of Assembly in that Case made and provided etc.

Afterwards to wit the same Court or term the said Daniel Dulany prays