

an Appeale from the Judgm^t of this Court to the High Court of Appeales which is Granted giving Security according to Law.

[459] Thereupon the said Daniel Dulany together with Phillip Lee and Samuel Perrie his Sureties acknowledg themselves to owe and stand Severally and Justly Indebted unto the said Thomas Lingan in the sume of Ten thousand Pounds of Tobacco to be levyed on their or Either of their Bodies goods or Chattles Lands or Tenements to the use of the said Thomas Lingan according to Law In Case the said Daniel Dulany does not Prosecute his said Appeale with Effect According to Act of Assembly in that Case made and Provided.

[Provincially
Seale]

In Testimony whereof the Seale of the Provincially Court of Maryland is hereunto Affixt

per

Vachel Denton Clk

Afterwards to wit on the fourteenth day of October Anno Domi Seventeen hundred and twenty his said Lordship came here into Court by Thomas Bordley and Daniel Dulany his Attorneys and Says that as well in the Records and process and in the Rendering the Judgm^t afs^d it is Manifestly Erred.

1st. It is Erred in this that the plea afs^d of the said Thomas Lingan is insuff^t in Law to barr the said Lord Prop^{ty} of the said Action in the Provincially Court.

2 It is Erred in this that the Rejoynder of him the said Thomas is a Departure from and Contradictory to his Plea.

3 It is Erred in this that the Judgm^t af^d was rendred for the said Thomas Lingan against the said Lord Prop Whereas by the Law of the Land Judgm^t ought to have been for his L^dship to recover his Debt afs^d and his Damages Occasioned by the Detention of that Debt for which Errors and others in the Record and process and [460] Rendering the Judgment af^d the said Attorney Gen^l prays that the Judgment afs^d may be reversed and held for none and that Judgm^t may be rendred for the said Lord Prop^{ty} for his Debt and damages Occasioned by the detention of that Debt and that he to the Errors Afs^d may rejoyne etc.

And the afs^d Thomas Bordley and Daniel Dulany prays his Lordships Writ to forewarn the said Thomas Lingan to be before his said Lordships Govⁿ and Councill at Annapolis to here the Record and process af^d and it is granted to him therefore Command is given to the Sherriff of Ann Arundell County that he Should make known to the said Thomas Lingan that he shou^d be before us in our high Court of Appeales to be held at the City of Annapolis the third tuesday in April then next being the twentyth day of the same month Anno Domi Seventeen hundred and twenty One to here the Record and process af^d if to him it should seem meet and the same day is given to the said Thomas Bordley and Daniel Dulany to appear for us also