

to be void and unlawful in a proper place, to apply to such a Judge for Restitution would be owing by Implication at least that he had an Authority that in Reality he had not which I humbly conceive would have been inconsistent with my duty and no advantage to my Client whose Effects were so far spent when the Order of their Excellencies the late Lords Justices came in, that Poulson was a Prisoner in Execution for debt and not *votiva* Credit

And as to any proceedings in the Provincial Court in a matter that was begun and finally determined in the Admiralty Court and the Decree of the Court Reversed I in *the* *case* of *the* *Ship* *the* *Forward* could have begun or brought it in the Provincial Court he being Defendant and Poulson who was the Plaintiff and might have brought it never would, All which I submit to your Honours Consideration and am

May it please your Honours

Your most humble and Obedient Servant

Annapolis 2^d Jan^r 1724

D Dulaney

And this Board are further humbly of Opinion that it Evidently appears by the above answer of Daniel Dulaney Esq^r then Council for the said *the* *Ship* *the* *Forward* and by the said Proceedings of the Governor and Council in December 1720 that the reason why the said Order was not enforced was that Poulson had Obtained the Effects by Virtue of the Proceedings of the Court of Admiralty of this Province and disposed thereof before the said Order of the 11th August 1720 came to hand and was then in Goal and not able to make restitution

And it is further humbly advised by this Board