

in January Annoque Domini 1696 [1697]: and Likewise at the time of Executing the Said writt he gave notice to all person or persons in whose hands or possession he Attacht Such goods as aforesaid that they be and personally Appere before the Justices of our Said Court to Shew Cause if any he have why the Said goods Soe Atteched Should not be Condemned and Execution thereon had and made etc. Att which Said Day the Sherriffe Returneth the Said writt (Endorsed on the back) Atteched in the plaintiffs hand fifteen hundred pounds of tobaccoe and Six barrells of Corne. per Thomas Greenfeild Sheriffe.

And Whereupon the Said David Small prayeth Condemnation and Execution of the Said fifteen hundred pounds of tobaccoe and Six barrells of Corne Attached as aforesaid.

Therefore it is Considered that the Said fifteen hundred pounds of tobaccoe And Six barrells of Corne be Condemned in the hands of the Said David Small and that the Said David Small have Execution against for the Said fiveteen hundred pounds of tobaccoe and Six barrells of Corne as aforesaid in his hands Atteched etc.

And hereupon the Said David Small together with Joshua Cecell his Security doe undertake for them and Either of them to make Restitution to the Said Bryant Furgus of the Said fifteen hundred lbs. of tobaccoe and Six barrells of Corne Soe as aforesaid Attached and Condemned if hee the Said Bryant Furgus Shall at any time within one year and a day Come here and Appere to the Said Originall writt and make it Appere that the Said David Small hath been and is Satisfied his demand aforesaid or Shall otherwise in this Court discount or barr the Said David Small of the Same or any part thereof etc.

James Moore plantiffe: Bryant Furgus Defendant.

It is Commanded the Sheriffe that of the goods and Chattles of the Said Bryant Furgus he Attech the Summe of thirteen hundred thirty Eight pounds of tobaccoe for the Said James Moore [109] And that he make knowne unto the Garnishe or Garnishees of the Said Bryant Furgus that he or they be here the next Court to be held here at Charles Towne the twenty Sixth day of January Annoque Domini 1696 [1697] to Shew Cause if hee or they have any why the Same Should not be Condemned and the Said James Moore have thereof Execution etc.

Att which day here Came the Said James Moore by his Attorney and the said Bryant Furgus Cometh not etc. And the Sheriffe now Returneth that he by vertue of the writt aforesaid hath Attached in Archable Edmonsons hand four hundred and fifty pounds of tobacc[o]e and in the hands of Thomas Tracey twelve hundred pounds of tobaccoe and that he hath made knowne to the Said Archable Edmonson and Thomas Tracey that they be here this day to Shew Cause in forme aforesaid etc. Thomas Greenfeild Sheriffe.

And upon this the Said James Moore prayeth Condemnation and Execution aforesaid against the Said Archable Edmonson and against the Said Thomas Tracey for the tobaccoe Atteched as aforesaid to him by the Court here to be Adjudged etc. And the Said Archable Edmonson and Thomas Tracey Saith that the Said James Moore Execution against them of the tobaccoe Soe as aforesaid Attached ought not to have because they Say that they doth not owe to the Said Bryant Furgus the Said tobaccoe or any part thereof in forme as the Said James Moore hath Alleged against them and this they are Ready to verryfie in any manner as the Court here Shall Consider. And thereupon the Said Archable Edmonson and Thomas Tracey made Oath on the holy Evangelist that they did not now nor at the time of the Laying Said Atteachment in their hands owe the