returne of Said Writt Came Capt Edward Scott high Sheriff of Said County and made Returne thereof in these words thereon Endorsed Viz:t

These are to Certifie to the Justices within mentioned that I have Attached the one halfe of a Sloop or Vessell being now on the Stocks at a plantacon where Mr George Lumley lived on, and as the proper goods of Mr George Lumley, to the value of Six thousand five hundred pounds of Tobacco to Satisfie the debt and Cost within mentioned and made the Same known before Samuel Smith and Charles Smith two good and Lawfull men of my Bailiwick as the within Writt doth and requireth me Edw Scott Sheriff.

But afterwards came into Court Daniel Pearce and by Richard Hunter his Atty as Garnishee to ye said attachment appeared and prayed liberty thereof to imparle untill next Court wch to him was granted the Same Day was given the plaintiff a Day

Att wch Said next Court Viz:t this Fifteenth Day of August in the year afsd the Said Cause standing for Tryal Came the Said pltff by Michael Tarle and Thomas Bowne his Attys and the Said Garnishee by Richard Hunter his Atty and the Said Defendant having filed his plea in bar wch is as follows viz:t

And the Said Garnishee by Richard Hunter his Atty Comes & defends the force and Injury when &c and for plea Saith the Said pltff the one halfe of the Sloope Returned by the Sheriff attached as the proper goods of George Lumley to Satisfie unto the Said pltff ye Sume of 5479 pounds of Tobacco upon Judgment obtained against the Said George together with the Sume of 214 pounds of Tobacco & the Sute mentioned in the Said pltff writt of Attachment & the Sheriffs Returne afsd or any part thereof he ought not to have Condemned Because he the Said Garnishee Saith, the halfe of the afsd Sloop attached as afsd now is and was at the Day of the purchase of the Said pltff writt of Attachment and ever Sinc hath been the proper goods of the Said Garnishee as by an Instrument of Sale of the Said Sloope under the Hand and Seale of the Said George Lumley bearing date the Sixteenth day of February Anno Domi 1707 Executed & Delivered unto the Said Garnishee to have and to hold the Said Sloop &c unto the Said Daniel Pearce his Exr Administrators & Assigns to his & their owne use & behoofe as by the Said Instrument of Sale here in Court produced may appear all which the afsd Garnishee is Ready to Verify and thereupon he the afsd Garnishee Prays Judgment, and that the afsd pltff from having the afsd halfe Sloope Condemned may be Barred &c Hunter for Garnishee

And the afsd pltff by Thomas Bowne his Atty for Replication Saith that for any matter above alleadged for the Said Garnishee he the Said pltff ought not to be barred from having the afsd halfe Sloope Condemned Attached as afsd Because he the Said pltff Saith that at the time of the