November Court 1708

And the Said Benjamin Wickes by John Wellinger his Attorny appeared and prayed
Liberty thereof to impark until the next Court which was to him granted the Same
Day was given y^e^ Plff Likewise

All which Said next Court Viz^t^ the Twenty Fourth day of August in the yeare
afs^d^ the Said Cause was Continued until the then next Court

All which Said next Court Viz^t^ the Twenty Eighth day of September in the yeare
the Said Cause Standing for Tryall but for Severall Reasons Moved to the Court,
the pties Desired it might be Continued until the next Court

All which Said next Court Viz^t^ the Twenty Sixth day of November in the
yeare afs^d^ the Said Cause Standing for Tryall came the Said pties by Christopher
Philipson his Attorny and the Plff by Thos Wellinger his Attorny and the
plea being Filed is as Followeth Viz^t^ — plea to Attachment of Certaine
Black horse Said to be the goods of Said Thomas Lowly as by Return of Said Attachment
Benjamin Wickes who by y^e^ Court of our Lady the Queene hereto is admitted to defend y^e^
Right the claims to y^e^ afs^d^ Black horse by John Wellinger his Attorny comes & defends
y^e^ force & injury when &c and Saith that y^e^ Said Arthur Condemnation of y^e^ Said Black
horse ought not to have Because he Saith that long before y^e^ Day of Awarding of
Said Writt of Attachment viz^t^ on y^e^ Thirteenth Day of February in y^e^ yeare of our
Lord Christ one thousand Seaven hundred and Seaven y^e^ Said Thomas Lowly by a-
certaine Instrument of Writeing Sealed with his Seale as his Act & Deed delivered and
here in Court produced and bareing date y^e^ Same day & yeare aboue Said for
in consideration of y^e^ Sume of two thousand pounds of Tobacco to him in hand
paid by a certaine George Lynley on y^e^ behalfe of y^e^ Said Benjamin Woodes
did bargain & Sell unto him y^e^ Said Benjamin Wickes one Black Gelding —
having a Starr in his forehead branded with F. H. on y^e^ Said Black horse in the
returne of y^e^ Writt of Attachment afs^d^ mentioned and the Said Black Gelding in the
before recited Instrument of Writting mencioned y^e^ Said Benjamin avers are one
and the Same and this he is ready to verifye Whereupon he prays Judgment
if y^e^ Said Arthur Condemnation of the Said Black Horse as y^e^ goods & chattells of
the Said Thomas Lowly ought to have &c Wellinge —

And the afs^d^ Arthur by Christopher Philipson his Attorney for Repliccon
Saith that for any thing in the Garnishees plea alledged he the Said
Arthur from having Condemnation of the horse attached as aboue Said ought
not to be debarred — Because he Saith that the afs^d^ pretended Writting or
Bill of Sale to him the Said Garnishee alledged to be delivered is a fraudulent
Deed and not bona fide but Colourably (if at all) Signed Sealed & delivered
unto him the Said Garnishee by the Said Thomas And this he prays
may be Enquired of by y^e^ Contry &c Philipson pro Mallon

And the Deft in like manner Wellinger Deft

Whereupon