which being Read and heard. Therefore it is Considered by the Court here that the afd Hocken Hull Short take nothing by his writt afd, but be thereof in mercy for his false Clamour and that the Said Wm Hoghins goe thereof without day &c. and also it is Considered that the afd William Hoghins recover against the afd Hocken Hull Short two hundred and Seventy Nine — pounds of tobacco for his Costs and Damages by him about his defence in that part sustained to the Same William by the Court here of his assent according to the form of the Statute thereof Lately made and provided adjudged, and that the afd Wm have thereof his Execution &c.

Jos McPester ---
Levin Gale and Joseph Venables Garnishe of Andrew Wailes ---

Memorand.m the Deft by Levin Gale his attorney sued out his Lordships writt of attachment against the deft, the tenour of which writt follows in these words. viz. Somersett ss. Charles absolute Lord and proprietary of the provinces of Maryland and avalon Lord Baron of Baltemore &c.

To the Shrff. of Somersett County Greeting, wee Command you that you attach any the goods Chattelles Rights and Credits of Andrew Wailes late of Somersett County merch.t if then shall be found in your Bailywick to the value of four thousand pounds of tobacco, and when you have the Same attached or any part thereof the Same in your Custody safe keep so that you have them before the Justices of our County Court to be held at Davidsing Creek the third tuesday of march next then and there to be Condemned according to act of assembly to and for the Use of Captain Joseph McPester unless the said Andrew Wailes by himselfe or his attorney shall appear and answer unto the said Joseph McPester of a plea of debt upon the Case &c. according to Law, and that by good and Lawfull men of your bailywick you make Known unto the person or persons in whose hand you make the Same attachment that he she or they be and appear before the Justices of our County Court to be held as afd to Shew Cause if any he she or they have why the same goods Chattelles Rights or Credits, so attached in his her or their hands ought not to be Condemned and Execution thereof had and made according to the form of the act of assembly in such Case made and provided if to him her or them it shall seem meete, and how you shall Execute this writt, that you make Known unto our said Justices at the day and place afd and have you then and there this writt Witness Samuel Hopkins Gentleman &c.

Att which said third tuesday of March to wit the Eighteenth day of the Same month and Anno One thousand Seven hundred and twenty Eight being the day of the Return of the said Writt Cometh Joseph McPester by his attorney afd and the Shrff. of Somersett County to whom the foregoing writt was directed Likewise Cometh and maketh Return thereof to the Court here Indorsed viz. —

Attached full value in the hands of Mr. Joseph Venables and Colo. Levin Gale and Summoned them as Garnishees to shew Cause if any they have &c. before Hutton Hide and Joshua Caldwell good and Lawfull men of my Bailywick so answers. Jno. Emmale Shrff.

And whereupon the afd Joseph Venables, by Levin Gale his attorney Comes and says that he cannot Gainsay but that he has of the Rights and Credits of the said Andrew Wailes to the value of Twelve pounds Six shillings and eleven pence Sterling money of England, nor but that the Same ought to be Condemned in his hands for the use of the said Joseph McPester as of the Rights and Credits of the said Andw. Wailes which the said Deft doth not Gainsay.

Also the afd Levin Gale Garnishee of the afd Andrew Wailes appears in his Own proper person and