

November Court ----- 1736 ----- 291

Ed. Richard Hickman Francis Wharton
Benj. Derickson & Geo. Howard Esqrs
of W^m Jennings -----
vs
Jⁿ Linch -----

To the Worshipful the Justices of Somerset County in
Chancery Richard Hickman & Benj. Derickson Francis Whar-
ton and George Howard shew. -----

That here to fore your petitioners were garnished as garnishees of William Jennings
to appear at last November Court held for this County to shew Cause why nine hundred pounds
of tobacco or some quantity of tobacco within the Jurisdiction of this Court in Chancery
should not be condemned in your petitioners hands for the satisfaction of a debt due by
the said Jennings to a certain John Linch as was said and alleged that your petitioners
appeared and intended to have defended the said garnishment and by pleading severally that
had no goods of the said Jennings in their hands which really was the case is the
truth of the case but so it was that the said Linch intending to circumvent your
petitioners (having notice that they intended to oppose a condemnation) told your
petitioners that they might goe home and that they would delay any further proceed-
ing on the said attachment to another Court or entirely dismiss or discontinue the
same and that your petitioners should receive no prejudice by leaving the Court upon
which your petitioners trusting the said Linch's promise left the Court & went home
and your petitioners further shew that the said Linch in order to oppress your petitioners
have prosecuted the said attachment and had the said Sum of tobacco condemned in
their hands for your petitioners absence at the said November Court which is the con-
trary to Equity and Conscience and the said Linch further threatens to take Execution ag-
ainst your petitioners for the said Sum Your petitioners therefore pray that they may be relieved
in the premises and that the said Linch may by proper process be compelled to appear
before your worships in Chancery to answer the premises and till the premises are heard &
determined in equity by your worships may be enjoined to stay Execution on the Condemna-
tion against your petitioners.

Thereupon Command is given to the Sherife of Somerset County that he should Sumons the
sa^d John Linch if he can that all Excuses set apart he be and appear before the Justices of this
County Court of Somerset to hold at dividend near the third Tuesday of June then next
to come at the stile of the said Court and that those of he should not fail the said day is
given to the said party here also the ----- All which said third Tuesday of June to with the fifteenth
day