

to such person or persons in whose hands or possession the said goods, chattels and credits of the absent defendant shall be attached, that he or they be and appear at the respective courts at the day of the return of the said attachment, to shew cause, (if they have any,) why the said goods, chattels and credits, so as above said in their hands attached, should not be condemned, and execution thereof had and made, as in other cases of recoveries and judgments given in courts of record;’ at which day of the return of the said attachment, if the said defendant shall not then appear, nor the said garnishee in whose hands the said goods, chattels and credits of the said defendant were attached, to shew sufficient cause to the contrary, the said respective courts shall and may condemn the said goods, chattels and credits aforesaid, so as aforesaid attached, and award execution thereof to be had and made, either by *capias ad satisfaciendum*, *fieri facias*, or otherwise, as the said plaintiff might have had against the defendant himself on the judgment aforesaid; which said condemnation and execution of such goods, chattels and credits of the said garnishee as aforesaid, had and made, shall be sufficient and pleadable in bar by the said garnishee or garnishees in any action against him or them by the said defendant for the same.

#### CHAPTER 41.

AN ACT for the better Administration of Justice in the high court of chancery, provincial and county courts of this province, for the more speedy recovery of debts, easy obtaining of executions against persons absenting from the counties where the judgments were recovered against them, for preventing commissioners, sheriffs, sub-sheriffs, clerks, and deputy clerks, to plead as attorneys in the respective courts to which they belong, and for amerciaments in the provincial and county courts.

SEC. 1. Provides for furnishing the county courts with certain law books.

Justices to  
make rules,  
&c.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the justices of the provincial and of each respective county court within this province, by force and virtue of this act, may make such rules and orders from time to time, for the well governing and regulating their said courts, and the officers and suitors thereof, as to them in their discretion shall seem meet, and under such fines and forfeitures, as they shall think fit, not exceeding one thousand pounds of tobacco in the provincial court, and five hundred pounds of tobacco in the county court, for any one offence, all which fines shall be to his majesty, his heirs and successors, for the support of government.

SEC. 3. By the provisions of this, a plaintiff by causing his writ and declaration to be served (in enumerated cases) on the defendant, a certain number of days before court, might claim a trial on the return of the writ, without allowing the defendant an imparlance. I have been informed by all of the judges of the court of appeals, that this provision is never practised