

ATTACHMENT.

- No attachment shall issue from any court against a defendant residing in the state, before two successive writs against him have been returned non est—1715, ch. 40, sec. 2, 21
- If the defendant is absent out of the state, then one writ being returned non est, and the plaintiff leaving a copy of his declaration, or short note, expressing the cause of action, with the defendant's attorney, (if he hath one,) or at the defendant's late dwelling-house, and making such proof of his action as the court shall think fit, the court shall award an attachment against the goods, chattels and credits of such absent defendant, so prosecuted and not appearing, which may be laid on such goods, &c. in the plaintiff's own hands, or those of any other person—1715, ch. 40, sec. 3, 22
- In such attachment shall be a clause, commanding the sheriff to make known, at the time of the execution, to the person in whose hands the goods, &c. so attached are, to appear on the return of the attachment before the court, to shew cause why such goods, &c. should not be condemned—1715, ch. 40, sec. 3, 22
- If the defendant shall not then appear, nor the garnishee aforesaid, the goods, &c. shall be condemned, and execution awarded as in other judgments—1715, ch. 40, sec. 3, 22
- The plaintiff, giving security in court for the use of the defendant to make restitution of the same, or the value, if such defendant shall, within a year and a day from the awarding the attachment, by himself or attorney, appear to the original action, and prove payment, or otherwise in court discount or bar the plaintiff of the whole or part—1715, ch. 40, sec. 3, 22
- Such condemnation and execution of the goods, &c. shall be pleadable in bar by the garnishee in any action brought by the said defendant for the same—1715, ch. 40, sec. 3, 22
- No sheriff shall execute more against the garnishee than the plaintiff's debt and costs, nor than what the plaintiff shall make appear in court to be the goods, &c. of the defendant, with such costs only as such garnishee shall put the plaintiff to by denying himself to be indebted to the defendant, and contesting the same—1715, ch. 40, sec. 4, 23
- Persons proved to abscond from the sheriff, or absent out of the state, (to be averred upon oath,) shall have no benefit of any favourable interpretation of the law—1715, ch. 40, sec. 6, 23
- The plaintiff in any judgment obtained may, without the previous requisites in this act prescribed, instead of any other execution, take out attachment against the goods, &c. of the defendant in the plaintiff's own hand, or in those of any other person, in which shall be a clause of scire facias as in other cases—1715, ch. 40, sec. 7, 23
- And, in default of appearance in the defendant or garnishee to shew cause to the contrary, the court shall condemn the goods, &c. and award execution, as might have been had against the defendant on the judgment—1715, ch. 40, sec. 7, 23