

- 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. 7, . . . . . 23
- If a person, not a citizen of this state, and not residing therein, is indebted to a citizen of this or any other of the United States, or if one citizen being indebted to another citizen of this state shall run away, abscond or fly from justice, or secretly remove from his abode, with intent to evade the payment of his debts, in either case the creditor may apply to a judge of the general court, a justice of the county court, or justice of the peace, and make oath or affirmation before such judge, &c. or any judge of any other of the United States, that the said debtor is bona fide indebted to him —, over and above all discounts, (producing the bond, account, &c.) that he knows, or is credibly informed and believes, that the debtor is not a citizen of this state, and does not reside therein, (where such is the case,) and, (where the debtor is a citizen of this state,) that he knows, or is credibly informed and believes, that such debtor is run away or fled from justice, or removed from his abode, with intent to injure and defraud his creditor or creditors—1795, ch. 56, sec. 1, 320
- Such judge or justice of this state shall thereupon issue a warrant to the clerk of the general or county court, (as the case may require,) to issue an attachment against the lands, &c. of such debtor—1795, ch. 56, sec. 1, . . . . . 321
- On receipt of such warrants, together with the proof on which they were granted, attachment shall issue with the same clause of scire facias, and to have the like proceedings, &c. as are prescribed by the act of 1715, ch. 40—1795, ch. 56, sec. 1, . . . . . 321
- There shall be issued there with such attachment a writ of *capias ad respondendum* against the defendant, and a declaration or short note of the cause of action shall be filed, and a copy sent with the writ, to be set up at the court-house door—1795, ch. 56, sec. 3, . . . . . 321
- To every attachment under this act, the garnishee may plead in behalf of the defendant such plea as the defendant could do if taken by such *capias*, and appearing to the same—1795, ch. 56, sec. 4, . . . . . 321
- The oath or affirmation of a creditor before a judge of any other of the United States shall not be evidence without a certificate of the clerk of his court, or the governor or chief magistrate, or a notary public of such state, that he has authority to administer such oath, &c.—1795, ch. 56, sec. 2, . . . . . 321
- The plaintiff may exhibit interrogatories in writing to the garnishee concerning the property of the defendant in his possession or charge, or by him due or owing, at the time of serving such writ of attachment, or at any other time—1795, ch. 56, sec. 5, . . . . . 321
- The garnishee shall, by rule of court, answer such interrogatories, and, on his neglect or refusal, the court shall adjudge that he has in his possession property of the defendant, or is indebted to him, to an amount sufficient to pay the debt, damages and interest of the plaintiff, and costs, and execution shall issue as in other cases of condemnation in the hands of garnishees—1795, ch. 56, sec. 5, . . . . . 321