

a justice of the peace of the county or city where the attachment is to be issued, he shall forthwith issue his warrant to the clerk to issue an attachment in the same manner as if the affidavit had been made before said justice; and the clerk, upon the receipt of the warrant, affidavit and proofs, shall issue an attachment as required by the preceding section.

10. There shall be issued with every attachment, a writ of summons against the defendant, and a declaration or short note expressing the plaintiff's cause of action shall be filed, and a copy thereof shall be sent with the writ to be set up at the court house door by the sheriff, or other officer.

11. Any kind of property or credits belonging to the defendant, in the plaintiff's own hands, or in the hands of any one else, may be attached; and credits may be attached which shall not then be due.

12. Every attachment issued under the preceding sections shall contain a clause commanding the sheriff or other officer, at the time of executing the said attachment, to make known to each person in whose hands or possession the lands, tenements, goods, chattels, and credits so attached are, if to him or them it shall seem meet, to be and appear on the return of such attachment before the court out of which it issued, to show cause why such lands, tenements, goods, chattels or credits so attached should not be condemned and execution thereof had and made as in other cases of recoveries and judgments given in courts of record.

13. If neither the defendant nor the garnishee in whose hands the property or credits may be attached shall appear at the return of the attachment, the court shall and may condemn the property and credits so attached, and award execution thereof; *Provided*, that no such execution issue unless the plaintiff give bond or sufficient security before the court awarding the execution, to make restitution of the lands, tenements, goods, chattels or credits so as aforesaid condemned, or the value thereof, if the defendant shall at any time within a year and a day—to be accounted from the return of said attachment—appear to the said original action, and make it appear that the claim of the said plaintiff, or some part thereof, is not due to the said plaintiff.