

knowledgment willingly and freely, and without threats by her Husband, or fear of his displeasure; which shall be certified upon the Caption, and enroll'd upon Record.

Execution.

I. *An. 4. W. & M. 1692. p. 7.* No Attachment shall issue out of any Court of this Province without a Summons first made out; upon which, if the Defendant be an Inhabitant within the Province, and the Sheriff return *non est Inventus*, another Writ of Summons shall issue forth, and upon the like return of that also, an Attachment shall then be awarded.

II. If a Writ of Summons be sued forth against any person absent out of this Province, upon the return of *Non est Inventus*, and the Plaintiffs leaving with the Attorney of the absent Defendant a Copy of the Declaration or short Note, expressing the cause of Action (or if he hath no Attorney, then leaving the same at the Defendants last dwelling) and making such proof of his Action as the Court shall think fit, the Justices shall and may award an Attachment against the Goods, Chattels and Credits of the Defendant so not appearing, in the hands of any person whatsoever in this Province, in which Attachment there shall be a clause commanding the Sheriff to Garnish the persons, in whose hands such Goods, &c. are Attached; and if at the return of the said Attachment the Defendant shall not appear, nor the Garnishee, to shew cause to the contrary, the respective Courts shall condemn the said Goods, &c. and Execution shall be made either by *Ca. Sa.* or *Fi. fa.* or otherwise, as in other Judgments. The Plaintiffs giving good security to make restitution if the Defendant shall within a year and a day from the date of the said Attachment appear to the Action, and make out that the Plaintiffs Debt or Demand is paid and satisfied, or otherwise in Court discount or bar the Plaintiff of the same.

III. Provided no Sheriff shall levy by way of Execution against any such Garnishee, any more than the Plaintiffs Debt and Cost, nor more than what is made appear to be the Defendants Goods in the hands of the