

45. Any justice of the peace may issue an attachment against a non-resident or absconding debtor, where the sum claimed shall not exceed one hundred dollars; but no special pleading shall be required before a justice of the peace.

46. Any person making the affidavit, and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the Circuit Court against a non-resident or absconding debtor, may have an attachment issued by a justice of the peace against such debtor, if the cause of action does not exceed one hundred dollars

47. Such attachment shall be returnable before the justice who issued the same, upon a day certain, to be named therein, not less than twenty, nor more than thirty days from the date of the issuing thereof.

48. The plaintiff, at the time of issuing the attachment, shall give notice by setting up at three or more of the most public places in the election district or ward in which such attachment may issue, at least ten days before the return day thereof, an affidavit of the truth of his claim, together with a copy of such claim, and also a copy of such attachment.

49. If the defendant, or the garnishee in whose hands property may be attached, shall not show cause to the contrary, the justice may condemn such property; *provided*, he is satisfied by the oath of the plaintiff, or by other proof, that the notice required above has been given.

50. The plaintiff, in an attachment, before execution on any judgment of condemnation shall be issued, shall give bond to the defendant in such penalty as the justice of the peace shall direct, not less than double the amount of the judgment of condemnation, with good and sufficient security, to be approved by the said justice, and conditioned to make restitution of the property so condemned or the value thereof; and to pay such damages as may be awarded to the defendant, if the defendant shall at any time within twelve months and a day from the date of issuing the attachment, appear, either in person or by his agent, before the justice issuing such attachment, or before some other justice of the same county, and make it appear that the plaintiff has satisfied the said debt, or show that it ought not to be paid, or that the said defendant was not indebted to the plaintiff at the time of issuing said attachment.

51. A garnishee, in whose hands any such attachment is laid, shall have the same rights and be subject to the same liabilities as if such attachment had issued from the Circuit Court; but to avail himself of his rights he must appear at the return of the attachment, and he shall not have the four days thereafter for his appearance, allowed in the Circuit Court.

52. Every justice of the peace may issue an attachment in any of the cases mentioned in the sections of this article relating to attachments on original process, where the sum claimed shall not ex-

Id s 35
1835, c 201, s 14,
1849, c 269,
1852, c 239, ss
1-2

Limit of juris-
diction
No special
pleading before
Justices

Art 51, s 39
1849, c 269, s 1,
1852, c 276, s 2
Attachment
against ab-
sconding or
non-resident
debtor

Id s 40
1849, c 269, s 1
Before whom
and when re-
turnable

Id s 41
1849, c. 269, s 1
Notice to be
given by plain-
tiff

Id s 42
1849, c 269, s 1
Condemnation
of property

Notice

Id s 43
1849, c 269, s 2
Bond before
execution of
judgment of
condemnation.

Id s 44
.715, c 40, s 3,
1824, c 74, s 2,
1849, c 269, s 1
Rights and
liabilities of
garnishee

1868, c 447
Jurisdiction of
justice of the
peace extended
to cases of at-