

all other respects not therein provided for, conform, as near as may be, to the practice and proceedings under writs of attachment against non-resident and absconding debtors.

1868, ch. 447.

**42.** Every justice of the peace may issue an attachment in any of the cases mentioned in section 35 of this article, where the sum claimed shall not exceed one hundred dollars, upon the party applying for the same making before the justice the affidavit, and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court in such cases, and giving bond, with security to be approved by said justice, in double the sum alleged to be due, and conditioned as is provided in section 38 of said article, except such changes of language as may be necessary to make the same applicable to a proceeding before a justice of the peace; and such attachment shall be returnable before the justice who issued it, on a day certain to be named therein, not less than twenty nor more than thirty days from the date of issuing it; and the plaintiff shall give notice of the issuing of such attachment in the same manner as in case of attachments before a justice against non-resident or absconding debtors; and a writ of summons shall also be issued with such attachment, as is usual in cases of debt before a justice, and the proceedings on such attachment shall conform as near as practicable to the practice and proceedings under writs of attachment against non-resident or absconding debtors, issued by a justice of the peace.

**Attachments In Actions Ex Contractu for Unliquidated Damages, and In Actions for Wrongs Independent of Contract.**

1888, ch. 507.

**43.** Attachments may also be issued against non-resident or absconding debtors, in cases arising *ex contractu*, where the damages are unliquidated, and in actions for wrongs independent of contract; but in such cases no attachments shall issue until a declaration shall have been filed, setting out specially and in detail the breach of contract complained of, or the tort actually committed, verified by the affidavit of the plaintiff or some one on