

tioner not less than five days before the same is made; and the said judge, if satisfied from evidence of the insufficiency of the bond, may order or require the petitioner to give an additional bond within such time as he shall deem proper; and in case of refusal to comply with such order, judgment may be entered against such petitioner to the amount of the real value of the property levied upon, upon which execution may issue as provided by law; and said plaintiff may have an execution against the defendant in the original attachment, provided that but one satisfaction of the debt or demand shall be made; and it shall be in the discretion of the court in all such cases to dispose of the matter of costs.

SEC. 4. *And be it enacted*, That sections nine and twenty-nine of said article ten, and the act of eighteen hundred and sixty-one, chapter seventy-seven, sub-titled "An act to add a new section to said article ten, under the sub-title of 'Attachment in actions, *ex contractu* for unliquidated damages, and for wrongs independent of contracts,'" be and the same are hereby severally repealed. Repealed.

SEC. 5. *And be it further enacted*, That a new section be added to said article ten, to be sub-titled "Attachments on actions, *ex contractu* for unliquidated damages, and in actions for wrongs independent of contract," to read as follows: New section.
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 his behalf, and until a bond shall be filed, similar in all respects to the bond required to be given in cases of attachments on original process for fraud, as prescribed by section forty of this article. In cases arising under this section, the practice and pleadings shall in all other particulars conform to the practice and proceedings against non-res-