

At a Sessions of Assembly begun and held at the Town and Port of Annapolis the 5th Day of September in the Third Year of the Reign of our Sovereign Lady Queen A N N E &c. Anno Domini 1704 were Enacted the following Laws.

An Act directing the manner of Suing out Attachments in this Province and Limiting the Extent of them.

FOR settling the manner of proceedings on Attachments and limiting the Extent of them and providing what shall be leyed on Attachments & Executions.

Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majestys Governour Council and Assembly of this Province & the Authority of the same, that from henceforth no Attachment shall issue out of any Court of this Province before a Writt or Summons be first made out upon which Writt if the Party Defendant be an Inhabitant or Resident within this Province and the Sherif shall return a non est inventus one other Writt or Summons shall thereupon in manner aforesaid issue forth against the said Defendant, and if the Sherif shall upon the second Writt or Summons return a non est inventus likewise an Attachment shall and may in manner & form hereafter sett down be awarded, and in case any Writt or Summons shall issue forth of any of her Majestys Courts within this Province against any person or persons absent out of this Province in such case upon the return of a non est inventus by the Sherif on such Writt or Summons and the party Plaintiff his leaving with the Attorney of such absent Defendant ( if he hath left any Attorney ) a copy of his Declaration or short Note expressing the cause of Action or if he hath left no Attorney then the Plaintiff leaving a copy of the said Declaration or short Note expressing the true cause of Action at the house where the said Defendant absent did last reside or dwell and making such proof of his Action as the said respective Courts shall think fit it shall and may be lawful for the Justices of the said Courts to award an Attachment against the Goods Chattels & Credits of the said absent Defendant so as aforesaid prosecuted and not appearing to the said Action which are or shall be in the hands & possession of any person or persons whatsoever ( yea ) even in the Plaintiffs own hands for the Defendants use in this Province. in which said Attachment there shall be a clause commanding the Sherif of the respective Countys at the time of the executing the said Attachments to make known to each person or persons in whose hands & possession the said goods chattels & credits so as aforesaid in their hands attach'd are should not be condemn'd & execution thereof had & made as in other cases of recoverys & judgments given in courts of record at which day of return of the said Attachment if the said Defendant shall not then appear nor the Garnishee in whose hands the aforesaid goods chattels and credits of the Defendant were attached to shew cause to the contrary the respective Courts shall & may condemn the said goods chattels & credits so as aforesaid attached and award Execution thereof to be had & made by *capias ad satisfaciendum fieri facias* or otherwise as other Judgments he the said Plaintiff so prosecuting as aforesaid giving good & sufficient security before the Justices of each respective Court to & for the use of the said Plaintiff so as aforesaid being not found within this Province to make restitution of the said goods chattels or credits so as aforesaid condemned or the value thereof if the Defendant as aforesaid prosecuted shall at any time within one year and a day to be computed from the said Attachment awarded come in and either in person or by Attorney to the said original Action and make it appear that the said Plaintiff hath satisfied and paid the debt or demand in the said Action or shall otherwise in any manner hinder or barr the said Plaintiff of the same or any part thereof, which said execution of the said goods chattels or credits of the said Defendant in the hands of any Garnishee or Garnishees as aforesaid had & made shall be sufficient & shall be a bar by the said Garnished or Garnishees in any Action brought against the said Defendant for the same.

That no Sherif shall levy by way of Execution as aforesaid against the said Defendant or Garnishees any more than the Plaintiffs Debt and Cost nor against any Garnishee than what the said Plaintiff in the said Action shall demand of the said respective Courts to be of the said goods chattels & credits of the said Defendant in each respective Garnishee or Garnishees hands together with such goods chattels or credits of the said Garnishee or Garnishees shall put the Plaintiff to by denying him credit unto such Defendant & contesting the same.

That no Sherif in any County within this Province shall by any Attorney take the goods & chattels of any the Inhabitants of this Province for the satisfaction of any debt due to him or them of all Livelyhood for the future but that Corn for necessary feeding, Gun, Ax, Port & Labourers necessary Tools & such like Household

what.  
of an inhabitant  
shall issue  
sent me with  
short note with  
if any be.  
to be left at  
house of the  
defendant - -