

hold Implements & Ammunition for subsistence shall be protected from all Attachments & Executions whatsoever.

Provided also that such as shall be found by positive proof or other circumstances wilfully to absent themselves into the Woods or elsewhere from the Sherrifs sight where by they cannot be found to be brought to Tryal, and such also as shall be absent by flight or proscription out of this Province to be averr'd upon Oath shall have no benefit of any favourable interpretation of the Law.

And be it Enacted by the Authority aforesaid, that from henceforth any person or persons having obtained a Judgment in any Court of this Province, or that shall hereafter obtain any Judgment in any Court of this Province against any person or persons it shall and may be lawful to & for the said Plaintiff in the said Judgment at his will and pleasure instead of any other Execution without those previous requisites as above in this Act prescribed & directed to take out an Attachment against the goods chattels & credits of the said Defendant in the said Judgment in the said Plaintiffs own hands or in the hands of any other person or persons whatsoever, which said Attachment shall likewise have the clause aforesaid commanding the Sherif of the said County to whom it shall be directed at the time of executing the said Attachment to make known to such person or persons in whose hands or possession the said goods chattels and credits of the absent Defendant shall be attached, that he or they be & appear at the respective Courts at the day of the return of the said Attachment to shew cause (if they have any) why the said goods chattels & credits so as aforesaid in their hands attach'd should not be condemned & Executoin thereof had & made as in other cases of Recoverys and Judgments given in Courts of Record at which day of the return of the said Attachment if the said Defendant shall not then appear, nor the said Garnishee in whose hands the said goods chattels & credits of the said Defendant were attach'd to shew sufficient cause to the contrary, the said respective Courts shall & may condemn the said goods chattels & credits aforesaid so as aforesaid attach'd and award Execution thereof to be had & made either by *capias ad satisfaciendum fieri facias* or otherwise as the said Plaintiff might have had against the Defendant himself on the Judgment aforesaid, which said condemnation and Execution of such goods chattels & credits of the said Garnishee as aforesaid had and made shall be sufficient & pleadable in barr by the said Garnishee or Garnishees in any Action against him or them by the said Defendant for the same.

Attachment upon judgment, in the case of absent.

An Act of directions for the Sherifs Office in this Province and for the more easy payment of the Publick and County Levy.

BE I T E N A C T E D by the Queens most Excellent Majesty by & with the Advice & Consent of her Majestys Governour Council and Assembly of this Province and the Authority of the same, that no Sherif Under-sherif or deputy Sherif shall seize any Tobacco unstript or seize or mark any Merchants or others Tobacco received mark'd and nailed for any cause whatsoever but only for Levys, & the severall Sherifs are hereby impower'd to break the Lock of any Tobacco-house or other houses where Tobacco is or shall be secured, with design to prevent the said Sherif from seizing such Tobacco for publick Levys, & any Sherif so seizing or marking any hog-head or hogheads of Tobacco containing more than what is justly due to the publick for Levys without satisfaction to the person to whom such Tobacco doth belong, as by giving credit or suffering him to take the overplus out of such hog-head of Tobacco at the choice of the party paying or owing the same, shall pay for every such default the Sum of two thousand pounds of Tobacco one half to her Majesty her Heirs & Successor support of Government, the other half to the party greiv'd to be recovered in any Court of Record of this Province by Action of Debt Bill Plaint or Information wherein no Essoyn Protection ec Wager of Law to be allow'd.

And if it shall so happen that at any time any Sherif shall seize any hog-head of Tobacco which shall weigh more than such Levy or Levys shall amount unto, if the remaining part due to the party or partys from whom they shall receive such Levy or Levys be the greater quantity, then & in every such case the Sherif or Sherifs shall take out of the said hog-head such quantity or quantities of Tobacco due to him for such Levy or Levys, and the said hog-head & the remaining part of the Tobacco shall be & remain with the party or partys paying the same, but if the remaining part of such hog-head of Tobacco so seized as aforesaid and belonging to the party or partys paying the same shall be the less quantity than is due to the said Sherif or Sherifs for Levys as aforesaid, then & in every such case the owuer or owners of such Tobacco shall take out the overplus of such Tobacco & the hog-head with the remaining part shall belong to such Sherif or Sherifs receiving.

And be it further Enacted by the Authority aforesaid by & with the Advice & Consent