

# I N D E X.

ASSAULT and Battery. See *Cursing, &c.* 7. *Limitation of Actions*, 2.  
 ASSEMBLY. See *Acts of Assembly*, per Tot. *Agents*, 2. *Annapolis*, 7. *Bridges*, 3. *Delegates*, per Tot. *Journals of Assemblies*, per Tot. *Levies*, 8. *Militia*, 7. *Naturalization Bills*, 1. *Parochial Libraries*, 1. *Prison*, 1. *Public Charges*, 7. *Records*, 6. *Small Provincial Charges*, per Tot. *Taxes*, 1. *War*, 1.  
 ASSIGNMENT of Bonds. See *Advancement of Justice*, 8, 9. *Bankrupts*, 4. *Records*, 5.  
 ASSIZE COURT. See *Negroes*, 39.  
 ASSUMPTION. See *Dijcount in Bar*, per Tot. *Limitation of Actions*, 5.

## ATTACHMENT.

1. No Attachment shall issue out of any Court of this Province, where the Defendant is an Inhabitant or Resident within the same, before Two successive Writs against such Defendant, have been returned *Non-est*. 1715, *ch. 40*, §. 2.
2. But in case the Defendant be absent out of the Province, then one Writ being returned *Non-est*, by the Sheriff, and the Plaintiff leaving a Copy of his Declaration, or short Note expressing the true Cause of Action, either with the Defendant's Attorney, (if he hath one) or at the Defendant's late Dwelling-House, (if he hath left no Attorney) and making Proof (See *below*, Art. 10, 11,) of his Action; the Court shall award an Attachment against the Goods, &c. of such absent Defendant, so prosecuted, and not appearing to the Action. Which Attachment may be laid on such Goods, &c. in the Plaintiff's own, or any other Person's Hands whatsoever. *Ibid.* §. 3.
3. In such Attachment shall be a Clause commanding the Sheriff to make known to the Persons in whose Hands the Effects are attached, to appear on the Return of the Attachment before the Court, to shew Cause, why such Goods, &c. shall not be condemned, &c. And, in Default of such Appearance in the Defendant and Garnishee in whose Hands they were attached, the Goods, &c. shall be condemned, &c. the Plaintiff giving Security in Court for the Use of the Defendant, to make Restitution of the same, or the Value, if such Defendant shall, within a Year and a Day from the awarding of the Attachment, by himself or Attorney, appear to the original Action, and prove Payment, or otherwise in Court discount or bar the Plaintiff of the Whole or Part. *Ibid.*
4. Such Condemnation, &c. of the Effects shall be pleadable in Bar by the Garnishee, in any Action brought by the said Defendant for the same. *Ibid.*
5. No Sheriff shall execute more against the Garnishee than the Plaintiff's Debt and Cost; nor than what the Plaintiff shall make appear in Court to be the Goods, &c. of the Defendant: With such Costs only as such Garnishee shall put the Plaintiff to by denying himself to be indebted to the Defendant, and contesting the same. *Ibid.* §. 4.
6. No Sheriff shall Attach, &c. the Goods, &c. of any Inhabitants, so as to deprive them of all future Livelihood: But Corn, for necessary Maintenance, Bedding, Gun, Ax, Pot, Labourers necessary Tools, and such like Household Implements, and Ammunition for Subsistence, shall be protected from all Attachments and Executions whatsoever. *Ibid.* §. 5.
7. But such as wilfully abscond from the Sheriff, or are absent by Flight or Proscription, out of the Province, (to be averred upon Oath) shall have no Benefit of any favourable Interpretation of this Law. *Ibid.* §. 6. (See also *below*, Art. 9.)
8. The Plaintiff, in any Judgment obtained, may, instead of any other Execution, without the previous Requisites above mentioned, (Art. 1, 2,) take out Attachment against the Effects of the Defendant, in which shall be a Clause of *Scire facias*, (as in Art. 3.) And, in Default of Appearance in the Defendant and Garnishee, to shew Cause to the contrary, the Court

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- shall condemn the Goods, &c. Which Condemnation and Execution of the Effects in the Hands of any Garnishee, shall be pleadable by such Garnishee in Bar, in any Action brought by the Defendant for the same. *Ibid.* §. 7.
9. Any Provincial or County Justice, being informed by Oath of one creditable Witness, or other probable Way, "That any Person is actually run away, or removed in a secret Manner from his Abode, and hath carried, or is about to remove any Part of his Substance, to deceive his Creditors, or abscond from Justice;" and it being made appear to such Magistrate, that such Runaway or absconding Person is really indebted to the Person making Application, and how much, may issue his Warrant to the Clerk of the Court, who shall issue Attachment thereon for the Debt, &c. so proved, and the incident Cost, for such Creditor against such Runaway or absconding Person. And the same Proceeding shall be had thereon, and Security given as directed (See Art. 3,) by the foregoing Act. 1729, *ch. 8*, §. 2 and 3.
  10. But the Creditor producing any Bond, Bill, &c. or other Writing, under Hand and Seal, or Hand of such absconding Person, shall first make Oath, &c. that the Whole, or Part thereof if any Payment hath been made, remains really and *bona fide*, due and owing to such Creditor. *Ibid.* §. 4.
  11. And if the Debt be on Account, or Book-Debt, it shall be Proved: Which Account and Probate shall be lodged with the Clerk of the Court before Attachment shall issue. *Ibid.*  
 See *Administrators*, 2, 3, 24, 25. *Guardians*, 15. *Intestates Estates*, 7. *Orphans*, 8. *Prerogative Court*, 4. *Small Debts*, 1.
- ATTORNEY-GENERAL. See *Boundaries*, 3. *Navigation Bonds*, per Tot. *Process Criminal*, 1. *Records*, 6. *Thieving*, 6.
- ## ATTORNEYS.
1. No Magistrate, Sheriff, Deputy-Sheriff, Clerk, or Deputy-Clerk, shall Plead as an Attorney in the Court wherein he bears Office, on Penalty of 3000<sup>lb</sup> Tobacco, for every Offence whereof he shall be convicted: One Half to the Support of Government, the other Half to the Informer. 1715, *ch. 41*, §. 9.
  2. No Person shall Practice the Law in any Court of this Province, without being admitted thereto by the Justices of such Court; who have Power to admit, and also to suspend them, *Salvo Jure Coronæ*. 1715, *ch. 48*, §. 12.
  3. No Court shall admit any Person to practice as an Attorney therein, who has already been refused so to do by the Governor and Council; nor to any Person who shall not qualify himself by taking the Oaths to the Government. *Ibid.* §. 13.
  4. The Attorney-General, Clerk of the Indictments, or other Attorney, issuing out any Criminal Process, without Presentment of the Grand Jury, or a special Order of the Governor in Council, or of the Court, appearing upon Record, shall forfeit, if in the Provincial Court, 5000<sup>lb</sup> Tobacco; if in any County Court, 2500<sup>lb</sup> Tobacco: One Half to the Support of Government, the other Half to the Informer. Nor shall any Appeal, &c. be allowed the Offender from the Judgment of the County Court. *Ibid.* §. 1, 2. See *Process Criminal*, 2.
  5. On Presentment of the Grand Jury, in any County Court, for Breach of any Laws, (except the Act of 1715, *ch. 26*, for speedy Trial of Criminals, &c.) if the Party presented submits, the Clerk of the Indictments shall have, for his Fee, 100<sup>lb</sup> Tobacco. But, if the Bill of Indictment be drawn, and the Party Traverse, the Clerk of the Indictments shall have 200<sup>lb</sup> Tobacco. *Ibid.* §. 6.
  6. To every Attorney in a County Court, for bringing, prosecuting or defending any Action to final Judgment, Agreement, or other End thereof, shall be paid