

And be it further Enacted by the Authority aforesaid, That the President or two Justices of any County Court within this Province, may proceed to the Staying or Superfeding the Execution of any Judgment rendred, or to be rendred, in the Provincial Court, as fully and effectually, to all Intents, Constructions and Purposes, as any Justice of the Provincial Court might or ought to do.

who may proceed to superfeding such Executions

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

Whereas it is highly Expedient to settle the manner of proceedings on Attachments, and Limitting the Extent of them, and to provide, what shall be levied on such Attachments and Executions,

BE it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That from henceforth no Attachment shall Issue out of any Court of this Province before a Writ or Summons be first made out, upon which Writ, if the Party Defendant be an Inhabitant or Resident within this Province, and the Sheriff shall return a *Non est inventus*, one other Writ or Summons shall thereupon, in manner aforesaid, Issue forth against the said Defendant; and if the Sheriff shall, upon the second Writ or Summons, return a *Non est inventus* likewise, an Attachment shall and may, in Manner and Form hereafter set down, be awarded.

2 Writs to be returned *Non est Inventus* against Inhabitants.

Then Attachment to Issue.

And in Case any Writ or Summons shall Issue forth of any his Majesty's 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 Sheriff, on such Writ 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, Chattles and Credits of the said absent Defendant, so as aforesaid Prosecuted, and not appearing to the said Action, which are and shall be in the Hands and Possessions of any person or persons whatsoever (Yea) even in the Plaintiffs own hands, for the Defendant's Use in this Proviuce, in which said Attachment there shall be a Clause, Commanding the Sheriffs of the respective Counties, at the Time of the Executing the said Attachment, to make known to each person or persons, in whose Hands or Possessions the said Goods, Chattles and Credits, so Attached, are, if to him or them it shall seem meet; to be and appear on the Return of such Attachment before the Justices of the respectice Courts, out of which such Attachments are Issued, to shew Cause why such Goods, Chattles or Credits so Attached, as aforesaid, should not be condemned, and Execution thereof had and made, as in other Cases of Recoveries, and Judgments given in Courts of Record; at which Day of Return of the said Attachment, if the

One Writ and short Note against a non-resident

To be left with the Attorney or at the last place of residence of such non-resident. And making proof of the Debt. Attachment to be awarded.

which may be layd in the Plaintiffs or any other Hands having a Clause of *scire Facias*.

And on default the Goods attached to be condemned.