

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, and 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 and Possessions of any Person or Persons whatsoever, yea, even in the Plaintiff's own Hands, for the Defendant's Use, in this Province; in which said Attachment there shall be a Clause commanding the Sheriffs of the respective Counties, at the Time of the Executing the said Attachments, to make known to each Person or Persons, in whose Hands or Possession the said Goods, Chattels, 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 respective Courts, out of which the said Attachments are issued, to shew Cause why such Goods, Chattels, or Credits, so attached as aforesaid, should not be condemned, and Execution thereof had and made, as in other Cases of Recoveries and Judgements given in Courts of Record; at which Day of Return of the said Attachments, 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 and may condemn the said Goods, Chattels, and Credits, so as aforesaid, attached, and award Execution thereof to be had and made by *Capias ad satisfaciendum*, *Fieri facias*, or otherwise, as in other Judgements, he the said Plaintiff so Prosecuting, as aforesaid, giving good and sufficient Security before the Justices of each respective Court, to and for the Use of the said Defendant, 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 so as aforesaid prosecuted, shall, at any Time within One Year and a Day, to be accounted from the said Attachment awarded, come in, and either in Person, or by Attorney, appear to the said Original Action, and make it appear that the said Plaintiff hath been and is satisfied and paid the Debt or Demand in the said Action, or shall otherwise in Court discount or bar the said Plaintiff of the same, or any Part thereof; which said Condemnation and Execution of the said Goods, Chattels, or Credits of the said Defendant in the Hands of the Garnishee or Garnishees, as aforesaid, had and made, shall be sufficient and pleadable in Bar by the said Garnishee or Garnishees in any Action brought against him or them by the said Defendant for the same.

PROVIDED always, That no Sheriff shall levy by way of Execution, as aforesaid, against the said Garnishee or Garnishees, any more than the Plaintiff's Debt and Cost; nor against any Garnishee or Garnishees, than what the said Plaintiff in the said Action shall make appear to the said respective Courts to be of the said Goods, Chattels, and Credits of the said Defendant in each respective Garnishee or Garnishees Hands, together with such Costs only, as the Garnishee or Garnishees shall put the Plaintiff to by denying him or themselves to be indebted to such Defendant, and contesting the same.

PROVIDED also, That no Sheriff in any County within this Province shall, by any Attachment, or any other Execution had upon such Attachment, or any other Execution whatsoever, levy, seize, or take the Goods and Chattels of any the Inhabitants of this Province, so far as to deprive them of all Livelihood for the future, but that Corn for necessary Maintenance, Bedding, Gun, Ax, Pot, and Labourers necessary Tools, and such like Household Implements, and Ammunition for Subsistence, shall be protected from all Attachments and Executions whatsoever.

PROVIDED