

Two Writts
to be return'd
Non est in-
ventus, against
Inhabitants.
Then At-
tachment to
issue.

One Writ
and short
Note, against
a Nonresident

To be left
with the At-
torney, or at
the last Place
of Residence
of such Non-
resident.

And making
Proof of the
Debt,

Attachment
to be awarded

Which may
be laid in the
Plaintiffs, or
any other
Hands, hav-
ing a Clause
of Scire fa-
cias.

And on De-
fault, the
Goods attacht
to be con-
demned.

And execu-
ted by C. la.
Fi. fa. &c.

The Plain-
tiff giving Se-
curity for
Restitution,
if Cause be
shewn within
a Year.

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.

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, Chattels 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 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 Attachment, to make known to each Person or Persons in whose Hands or Possessions 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 such 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 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 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 Judgments; 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 and 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