

appear that the said Plaintiff hath been and is satisfied and paid the said Debt or Demand in the said Action, or shall otherwise in Court discount or barr 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 Defendants, in the Hands of 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.

Which said Condemnation and Execution shall be pleadable in Bar by Garnishee.

*Provided always,* That no Sheriff shall levy, by way of Execution, as aforesaid, against the said Garnishee or Garnishee, 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 Defendants, 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.

The Sheriffs Duty therein.

Costs against Garnishee.

*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, Axe, Pot and Labourers necessary Tools, and such like Household-Implements and Ammunition for Subsistence, shall be protected from all Attachments and Executions whatsoever.

Necessary Tools and Implements for subsistence exempt from Attachments and Executions.

*Provided also,* That such as shall be found by positive Proof, or other Circumstances, wilfully to absent themselves or abscond in the Woods or elsewhere, from the Sheriff's Sight, whereby they cannot be found to be brought to Tryal; and such also as shall be absent by Flight or Prescription, out of this Province, to be averred upon Oath, shall have no Benefit of any favourable Interpretation of this Law.

Unless in case of Persons absconding.

*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 and 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 and directed, to take out an Attachment against the Goods Chattels and Credits of the said Defendant in the said Judgment, in the said Plaintiff's own Hands, or in the Hands of any other Person or Persons whatsoever; which said Attachment shall likewise have the Clause aforesaid, commanding the Sheriff 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 and Possession the said Goods, Chattels and Credits of the absent Defendant shall be attached, that he or they be and 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 and Credits, so as above said in their Hands attached, 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 the Return of the said Attachment

How such Attachments may issue on Judgment instead of any other Execution.

Clause of *scire facias*.

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