

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 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. After the 1st. December next, if any person of this province, being indebted within this province, shall actually run, abscond, or fly from justice, or secretly remove him or herself from his or her place of abode, or shall, or be about to remove any of his or her effects, with intent to defraud, his or her creditors, any one to whom such person is indebted fifty shillings current money, or 400lb. tobacco, over and above all discounts, may make application to a provincial or county justice, and on making oath, or affirmation if a quaker, that the said absconding person is *bona fide* indebted to him or her in the sum of over and above all discounts, and producing the bond or bonds, bill or bills, protested bill or bills of exchange, promissory note or notes, or other instrument of writing, account or accounts, by which such person is so indebted; which probate, or affirmation, shall be indorsed thereon, and also making oath or affirmation, that he or she doth know, or is credibly informed, and verily believes, that the said absconding person is actually run away, &c. with an intent to injure his creditors, and proved by one other credible witness; the said provincial or county justice thereupon, shall issue his warrant to the clerk of the provincial or county court, to issue an attachment or attachments pursuant to this act; upon the receipt of which warrant and proofs on which the same was granted the clerk of the provincial or county court, shall issue a writ of attachment to the sheriff or sheriffs, under the jurisdiction of the court issuing the same, to attach, seize, take and safely keep all the whole personal estate of the said absconding person, with all evidences, books of accounts and papers relative thereto.—*Jan.* 1773, c. 13. § 2.—*Cont. to Jan.* 30, 1798.

10. Which writ or writs of attachment, the sheriff to whom the same shall be directed shall execute, and forthwith make (with the assistance of two substantial freeholders on oath, not being creditors, to be by such sheriff summoned and sworn for that purpose) a just and true inventory and appraisement of all such goods and chattels as he shall seize, and return the same, with a schedule of the said evidences, accounts and papers, signed by himself and the said two freeholders, with the writ, to the court to which the same is returnable, and the said sheriff shall be paid his reasonable charges in safekeeping the said goods and chattels, besides a commission of 3l. per centum on the amount of the said inventory.