

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.

C H A P.
XL.

V. 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. Proviso.

VI. PROVIDED ALSO, That such as shall be found by positive proof, or other circumstances, willfully to absent themselves, or abscond in the woods or elsewhere from the sheriff's sight, whereby they cannot be found to be brought to trial, and such also as shall be absent by flight or proscription out of this province, to be averred upon oath, shall have no benefit of any favourable interpretation of this law. Proviso.

VII. 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 or 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 aforesaid 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, if the said defendant shall not then appear, nor the said garnishee in whose hands the said goods, chattels and credits of the said defendant were attached, to shew sufficient cause to the contrary, the said respective courts shall and may condemn the said goods, chattels and credits aforesaid, so as aforesaid attached, and award execution thereof to be had and made, either by *capias ad satisfaciendum*, *fiery facias*, or otherwise, as the said plaintiff might have had against the defendant himself on the judgment aforesaid; which said condemnation and execution of such goods, chattels and credits of the said garnishee as aforesaid, had and made, shall be sufficient and pleadable in bar by the said garnishee or garnishees in any action against him or them by the said defendant for the same.

After judgment, attachment may be taken out, &c.

C H A P. XLI.

An ACT for the better administration of justice in the high court of chancery, provincial and county courts of this province, for the more speedy recovery of debts, easy obtaining of executions against persons absenting from the counties where the judgments were recovered against them, for preventing commissioners, sheriffs, sub-sheriffs, clerks and deputy-clerks, to plead as attornies in the respective courts to which they belong, and for americiaments in the provincial and county courts. Lib. LL. No. 4. fol. 232. Passed 3d of June, 1715.

BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same, That the justices of the provincial and county courts within this province do, with all convenient speed after the publication of this act, at the cost and charges of the public, and their respective counties, purchase and procure, or cause to be purchased and procured, the statute books of England to this time, and Dalton's Justice of the Peace; or such other useful book of like sort as such justices shall think proper, where they are not already procured, for the use of their respective courts. Statutes to be purchased, &c.

II. AND