

(174)
L. W. H.

Absent or hath left no Attorney as aforesaid directed the Sheriff of the County where the party so prosecuted did dwell and reside who is hereby enjoined to leave a copy of such writ or Summons as also a copy of the Declaration or cause of action to be for that purpose with the said writ or Summons sent to him by the party prosecuting the same after a due return made of the said writ & upon sufficient proof by witnesses as the said respective Courts shall think fit of the prosecutors demands and debt made by his said declaration Sett forth it shall and may be lawfull for the Justices of the said Courts to award an attachment against the goods and Chattells of him the said party prosecuted and not appearing by himself or his Attorney which are or shall be in the possession of any person or persons for his use in this Province and after the Returne of the Execution of such attachment made the same to condemn and order to be delivered by way of Execution to the said party prosecuting by the Sheriff of the County where such goods lye by the said party prosecuting also giving good and sufficient Security to the Justices of the said respective Courts to indemnify the Court against all actions Sutes or other matters that may happen touching or concerning the said attachment and to make restitution of the goods received or the value thereof by Vertue of the said attachment in case the said party prosecuted or his Attorney doe within one year and a day to be accounted from the time of the said Attachment awarded come in and make his and their Just and due defence and proceed on the said acon in Common forme and make it appeare the prosecutor is satisfied his just demands and debts or any part thereof by him then prosecuted provided alwayes that no Sheriff shall Levy by way of Execution of
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