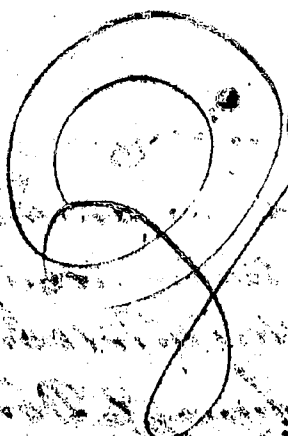


An Act Limiting the Extent of Attainments & providing what shall be done on Attainments & Executions.



WHEREAS the acts formerly made concerning Attainments prescribe several Rules for prosecuting the same, but most of them are uncertain & doubtful & it is necessary that they should throughout admit of a constant Interpretation whereby many doubts have been made & various Judgments thereupon given to the end therefore that the manner of proceeding on such Attainments may be more plainly & clearly set down, we the Deputies & Delegates of the Lower House of this present Great Assembly do humbly pray that it may be enacted, And be it enacted by the Right Honourable the Lords Proprietors of this Province by & with the advice & Consent of the Upper & Lower Houses of this present Great Assembly & the Authority of the same that from henceforth no Attainment shall issue out of any Court of this Province before a writ or Summons be first made out upon which writ if the party doth not appear or is absent within this Province & the Sheriff returns a non est inventus, one other writ or Summons shall thereupon in manner aforesaid issue forth agt. the said Deft. & if the Sheriff shall on the second writ or Summons return a non est inventus likewise an Attainment shall & may thereupon in manner hereafter set down be awarded & in case any writ or Summons shall issue forth of any his Lordships Courts in this Province agt. 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 & the party doth not leave with the Attorney of such absent Deft. if he hath left an Attorney a Copy of his Declaration or short note expressing the true Cause of action or if he hath left no Attorney then the party leaving a Copy of his said Declaration or short note expressing his true Cause of action at the house where the said absent Deft. did last reside or dwell & making such proof of his name as the said respective Courts shall think fit it shall & may be lawful for the Justices of the said Courts to award an Attainment agt. the goods & Chattels & Credits of the said absent Deft. soe as aforesaid prosecuted & not appearing to the said action which are or shall be in the hands or possession of any person or persons whatsoever even in the party's own hands for his the said Deft. use in this Province in which said Attainment there shall be a Clause commanding the Sheriff of the respective Counties at the time of executing the said Attainment to make known to each person & persons in whose hands or possession the said goods Chattels or Credits of the said absent Deft. shall be attached that they see & appear at the respective Courts at the day of the return of such Attainment to shew cause if they have any why the said goods Chattels & Credits soe as aforesaid in their hands attached should not be condemned & execution thereof had & made as in other cases of Recoveries or Judgments given in Courts of Record at which day of the return of the said Attainment if the said Deft. shall not then appear nor the said Garnisher in whose hands the said goods Chattels & Credits of the said Deft. were attached shew sufficient cause to the contrary, the said respective Courts shall & may condemn the said goods Chattels & Credits aforesaid soe as aforesaid attached & award execution thereof to be had & made either by Capias ad satisfaciendum fieri facias, or otherwise as on other Judgments. And the said party soe as aforesaid prosecuting giving good & sufficient security before the Justices of each respective Court for & for the use of the said Deft. soe as aforesaid being not found within this Province or absent out of the said Province as aforesaid to make restitution of the said goods Chattels or Credits soe as aforesaid condemned or the value thereof if the Deft. soe as aforesaid prosecuted shall at any time within one year & day to be accounted from the day of the said Attainment (awarded) come in & either in person or by Attorney appear to the said Original action agt. him & make it appear that the said party hath been & is satisfied & paid the Debt or Demands in the said action or shall otherwise in Court discount or bar the said party of the same or any parts thereof, within said condemnation & execution of the said