

second Writ or Summons shall thereupon issue; whereupon if the Sheriff or officer return a second non est inventus, a short note or Declaration being left at the Last Place of aboad of such Person so absconding ten Days at least before the second return; or if without the Commencement of any such Suit, Return or Returns, there shall be good and sufficient Proof by the oaths (or affirmations if Quakers) of two good and credible Evidences at least, not being Creditors, taken before some Magistrate that such Person or Persons as aforesaid have or are absconded, or fled from Iustice, or runaway, out of this Province, It shall and may be lawful for one or more of the Creditors of such Person or Persons against whom such Returns shall be made, or proof had as aforesaid, to apply to the Provincial Court, or to one Provincial Justice out of Court, or to the County Court where such Person or persons absconding as aforesaid resided, or their Estate or Effects are, or to one Justice of the Peace of such County or Counties, and procuring the proof as aforesaid of the Returns of the Writs or oaths or Affirmations as aforesaid to be Made and given, that such Person or Persons are absconded, fled from Iustice, or runaway, that then and in such Case it shall and may be Lawful for such Court or Iustice as the Case shall be, and he or they are hereby obliged and directed to return a Copy of such Oaths or Affirmations, so taken with an Order to the Clerk of the Provincial or County Court as the Case may require to make out a Commission to any three Persons who shall be named to such Court or Justice by one or more of the Creditors of the Person or Persons so absconded, fled from Iustice or run away as af^d which Order shall be in the form following to wit, " You are hereby directed to make out Commission to A B & C of County to take into their Care and Custody all the Estate both real and personal of E F of County lately absconded, fled from Iustice, run away or become Bankrupt as the Case may happen to be by them disposed of to and for the Use of the Creditor or Creditors of the said E F " And the Clerk of the Provincial Court or County Court to whom such oaths or affirmations and order shall come As aforesaid, shall, and he is hereby obliged to enter the same among Records of his Court, and thereupon to make out Commis^{on} under his hand and the Seal of office to the Reasons in such order nominated, which Commisⁿ shall be in the Form following, to wit, To A B and C of County you are hereby impowered and Authorized to take into y^r Custody and Care all the Estate both Real and Personal of E F late of County absconded, fled from Iustice, run away, or become Bankrupt, as the Case may happen, and the same dispose of According to the Direction of An Act entituled, An Act for the easier and better securing the Estates of Debtors Absconding, and of Persons Bankrupt, for the use of their Creditors, and equal Distribution of the same; and the produce

L. H. J.
Liber No. 46

p. 607