

dit's so as aforesaid attached, and award Execution thereof to be had and made by *Capias ad satisfaciendum*, *Fieri facias*, or otherwise, as in other Judgments; He, the said Plaintiff, so prosecuting as aforesaid, giving good and sufficient Security before the Justices of each respective Court, to and for the Use of the said Defendant, so as aforesaid being not found within this Province, to make Restitution of the said Goods, Chattels or Credits, so as aforesaid condemned, or the Value thereof, if the Defendant so as aforesaid prosecuted, shall at any Time within one Year and a Day, to be accounted from the said Attachment awarded, come in, and either in Person, or by Attorney, appear to the said original Action, and make it appear that the said Plaintiff hath been and is satisfied and paid the Debt or Demand in the said Action, or shall otherwise in Court discount or bar the said Plaintiff of the same, or any Part thereof. Which said Condemnation and Execution of the said Goods, Chattels or Credits, of the said Defendant, in the Hands of Garnishee or Garnishees as aforesaid had and made, shall be sufficient and pleadable in Bar, by the said Garnishee or Garnishees, in any Action brought against him or them by the said Defendant, for the same.

C H A P.
XL.

The Plaintiff giving Security for Restitution, if Cause be shown within a Year and a Day.

Such Condemnation pleadable in Bar by Garnishee.

* By 1729, ch. 8, §. 4, all Bills, Bonds, protested Bills of Exchange, and Writings obligatory whatsoever; and all Debts upon Account, or Book-Debt, shall be proved on Oath before Attachment shall issue.

IV. **Provided always**, That no Sheriff shall levy, by Way of Execution as aforesaid, against the said Garnishee or Garnishees, any more than the Plaintiff's Debt and Cost; nor against any Garnishee or 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.

How far the Sheriff may attach in Garnishee's Hands.

What Costs Garnishee shall be liable to.

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 Maintainance, 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.

Necessary Tools and Implements for Subsistence, &c. exempted from Attachments and Executions.

VI. **Provided also**, That such as shall be found by positive Proof or other Circumstances, wilfully 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.

Persons absconding, &c. shall not be entitled to any favourable Construction of this Law.

* For the Manner of suing out Attachments against the Effects of Persons running away or absconding; See 1729, ch. 8, §. 2.

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 Person's

The Plaintiff, in any Judgment obtained, may instead of other Execution, take out Attachment against the Effects of the Defendant, with Clause or *Subjunctive*.