

C H A P.
XIII.

sheriff of one and the same county, the sheriff shall in such case execute that writ only that comes first to his hands.

Trustees to
be on oath,
&c.

XVI. **And be it further enacted,** That before any trustee shall execute any of the powers given by this act (other than that of giving notice of the appointment as aforesaid) he shall take his solemn oath, or affirmation if a quaker, before some provincial or county justice, any of whom are hereby empowered and required to administer the same, well and truly to execute the trust reposed in him, according to the best of his skill and understanding; and the justice who administers such oath or affirmation, is hereby required to endorse and sign a certificate thereof on the back of the said trustees commission.

Any unsafe
person, in-
debted, &c. to
the person a-
gainst whom
attachment
shall have is-
sued, a writ of
trespass may
be issued a-
gainst him,
&c.

XVII. **And,** whereas it may often happen, that persons very unsafe in their circumstances, may be largely indebted to, or have in their hands effects to considerable value of, the person against whom an attachment may be hereafter issued as aforesaid, and before the said debts or effects can be secured for the creditors in the ordinary course prescribed by this act, the said persons so indebted may abscond, and the debts or effects be entirely lost; for prevention whereof, **Be it enacted,** That when any attachment shall hereafter be issued in virtue of this act, upon application made by any creditor to a justice of the provincial or county court, it shall and may be lawful for such justice, and he is hereby required, on oath or affirmation made by the creditor, that he verily believes, or has good reason to suspect, that such unsafe person is indebted to, or holds goods or effects in his or her hands of, the person against whom the said attachment shall have issued as aforesaid, to the value specified in such oath, to give an order or warrant under his hand, setting forth such oath, and the sum or value of the debt or goods believed or suspected to be due or held, directed to the clerk of the provincial court, or county court where such unsafe person shall reside, to issue a writ of trespass upon the case, against such unsafe person, to answer unto the trustees to be appointed under the said attachment so issued; and the said clerk shall and is hereby required to endorse on the said writ, that the sheriff shall hold the defendant to bail in double the sum so set forth in the said justice's warrant, which said endorsement the sheriff is hereby obliged and required to comply with; and the said defendant shall be obliged to give special bail to such writ, which writ, and the proceedings thereon, shall be held and deemed to be as good and available in law, as if the plaintiffs were particularly named therein; and the trustees, when appointed under the said attachment, shall and may declare and proceed to issue, judgment, and execution in the cause.

Provido.

XVIII. **Provided always,** That if the defendant in such case give bail and judgment at the appearance court, he shall not be burthened with the plaintiff's costs.

Part of an act
repealed.

XIX. **And be it further enacted,** That such parts of an act of assembly of this province, entitled, An act for the relief of creditors, and to prevent frauds and deceits occasioned by secret sales, mortgages, and gifts of goods and chattels, as relate to the issuing attachments, shall, from and after the first day of December next, be and are hereby repealed and made void, any thing in the said act, or any other law, usage or custom, to the contrary notwithstanding.

Provido.

XX. **Provided nevertheless, and be it enacted,** That this act, nor any thing herein contained, shall extend, or be construed to extend, to make void, or in any manner annul, any attachment whatsoever already issued, or that shall issue before the said first day of December next, or any proceeding whatsoever thereon; but that all such attachments shall and may be proceeded on to judgment and execution, as if this act had not been made, any thing herein before contained to the contrary notwithstanding.

Construction
and continua-
ance.

XXI. **And be it further enacted,** That this act shall be construed beneficially for the creditors in all courts of justice within this province, and be and remain in full force for and during the term of seven years, and unto the end of the next