

writing upon the most Publick door or Post in every Publick place in the respective County where Such horse shall bee So Taken up, and Cause him to bee Published in the Respective County Courts not less than two Courts Except the Owner Appear before, which Said Ranger Shall bee Paid the Twenty Shillings as aforesaid to bee Divided between the Said Ranger and the Party that took up the Said horse As also there Shall bee Paid to the Said Ranger a Reasonable Reward from the Said owner of the Said horse for his pains and trouble Of which reward if the Parties Agree not, It Shall and may bee Lawfull for one Justice of The Peace of the Said County to Decide itt, Butt if The Owner of Such horse or horses cannot bee known in Twelve Months time after his being Delivered to the Ranger then the Same to bee Accompted & Deemed a Stray And the Said Twenty Shillings to bee then Paid by the Ranger of the County to the Party that took up the Said horse or horses, any Law Custom or usage to the Contrary hereof notwithstanding.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 165.  
H.S.P. Cadwalader Collection. Act of May 18, 1699, chapter 9.

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## CHAPTER 150.

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### THE LAW ABOUT ATTACHMENTS AND SUMMONS.

Whereas There is a Clause in a Certain Law of this Government That no Inhabitants in this Province & Territories shall be taken for Debt before a Tryall unless he or she be about to depart out of the Same, And Shall refuse to give Sufficient Bail for Appearance at the next Court or Security for the payment of the Debt, Or hath not Goods sufficient to be Attatched &c. But inasmuch as neither this Law nor any other Law already made here doth further direct the Proceedings upon Attatchments, Some have Scrupled the Legality of such Procedure, Now That all Doubts may be removed in that behalf

Be it Enacted by the Authority aforesaid That all Writts or Warrants of Attatchments heretofore Granted by virtue of the said Law or pursueant to any Custome of Citys or Corporations in England Or According to any Custome or Usage in these parts of America And all

the Judgments executions & proceedings had thereupon shall be most absolute & Conclusive in Law against all persons or parties concerned, their heirs Executors Administrators & Assigns unless the same be reversed for some manifest Error or Errors therein to be Assigned by the said parties concerned And to be Allowed of by the Governor & Council on this side the first day of June 1700

And Be it further Enacted That the Justices of the respective County Courts Shall Grant Writts of Attatchments As they heretofore have done which Attachments so Granted shall be duely Served by the respective Sheriffs or Coroners as the Case requires upon the Lands & Tenements Goods & Chattells of such person or persons against whom the same shall be Awarded in whose hands or Possession Soever the same may be found returnable to the next succeeding Court respectively where the Plaintiff may proceed to Tryall & Judgment in the same manner & with the like Expedition as upon other Process or Plaints is accustomed.

And That the persons or persons whose Estate or Effects are so Attatched shall be called the Defendant in the Attatchment And the person in whose hands or Possession the same Estate or Effects are Attatched shall be Called the Garnishee and shall be Obligated to appear in Court at the Return of the Attatchment & Answer what shall be Objected against him & abide the Judgment of Court.

And That the manner of Executing of Writts shall be by the Officers going to the house or Land Or to the person in whose hands or possession the Defendants Estate or Effects are Supposed to be And then and there declaring the presence of one or more credible person of the Neighbourhood, That he Attatcheth the same house or Land Or other Effects; From and after which declaration the house Land Money & Effects so Attatched shall remain in the Officers power & be by him Secured in Order to Answer & abide the Judgment of Court in that Case

And if the Plaintiff in the Attatchment Obtain a Verdict Judgment and Execution for the Estate Money or Goods Attatched in the Garnishees Possession Yet the Defendant in the Attatchment may at any time before the Money be paid putt in Bail to the Plaintiffs account

upon which the Attachment is grounded whereby the Garnishee will be immediately discharged

And if an Attachment shall be made for Goods or Effects and the Garnishee plead he had no Goods or Effects in his hands at the time of the Attachment or at any time after And the Plaintiff prove the Contrary the Jury in such Case must find for the Plaintiff and Say what Goods or Effects they find in the garnishees hands Whereupon Judgment shall be entred That then Appraisalment be made of the said Goods or Effects so found by the Jury And a Precept shall be granted Requiring the Sheriff to gett the same appraised And if the Garnishee will not produce them Execution shall be forthwith Awarded for the value thereof according to Appraisalment to be Leavied upon the Lands Tenements Goods & Chattells of the Garnishee.

Provided always That no Writts of Attachment shall hereafter be Granted against any person or persons but such only as at the time of the Granting of such Writts are not residing within this province or Territorys Or are about to remove into some other Colony or place Or shall refuse to five Sufficient Security to the Complainant for the Debt or other Demand

Provided also That no Attachment shall be Made or Layd upon Lands or Tenements where the party will show any Goods or Chattells in his own or any other persons hands to be Attached And in all Cases the house or Plantation where the Defendant dwells Shall be last Attached.

Provided also That after Judgment Obtained by the Plaintiff upon any Attachments against Non residents The Plaintiff must before Execution is Awarded find Sureties who must undertake for the Plaintiff That if the Defendant in the Attachment shall within A Year and a Day then following come into Court & Disprove or avoid the Debt Recovered by the Plaintiff against him That then the Plaintiff shall Restore to the Defendant the Moneys by the Plaintiff Attached & Condemned Or so much thereof as shall be disproved Or else that they will do it for him.

And Whereas by a Law of this Province It is Enacted That Defendants shall be Summoned & a Copy of the Complaint delivered him or

her at his or her dwelling house to answer unto &c. Which has Occasioned Disputes in some places For Accommodating wherof

It is Enacted That if a Copy of the Summons & Complaint be left at or putt into the defendants dwelling house or delivred to one of the family in Case the defendant be absent And proof thereof made by the Sherieff att the Return of the Writt It shall be deemed & adjudged as valid as if the Same were personally Served.

A.P.S., Original Laws of Pennsylvania from 1693 to 1700, f. 169.  
H.S.P. Cadwalader Collection. Act of May 18, 1699, chapter 10.  
Repealed chapter 161, 1700.