

to and coming from the place where the assembly is or shall be held.

[Section V.] An be it further enacted by the authority aforesaid, That all laws hereafter to be made in this province and territories shall be fairly engrossed in rolls of paper or parchment before the final passing thereof.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly passed January 12, 1705-6, Chapter 137.

CHAPTER XXIX.

THE LAW ABOUT ATTACHMENTS.

Whereas there is a necessity for a law in relation to foreign attachments, and that the laws of this government have hitherto been deficient in that respect, and that debts due to the inhabitants of this province and territories from foreigners abroad, could not here be recovered against the said foreigners by attaching of their goods, if the said foreigners were absent or did not appear, because of the aforesaid defect: to the end therefore that for the future the like inconveniency may be redressed:

[Section L.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met [and by the authority of the same], That the justices of the respective county courts within this province and territories, shall and are hereby empowered to grant writs of attachment, which attachments so granted shall be duly served by the respective sheriffs or coroners, as the case requires, upon the lands and tenements, goods and chattels of such person or persons against whom the same shall be awarded, in whose hands or possession the same may be found; returnable to the next succeeding court respectively, where the party may proceed to trial, and shall have judgment granted the third court after the effects are seized.

[Section II.] Be it further enacted by the authority aforesaid, That the person or persons whose estate or effects are so attached, shall be called the defendant in the attachment, and the persons in whose hands or possession the same estate or effects are attached, shall be called the garnishee, and shall be obliged to appear in court at the return of the attachment, and answer what shall be objected against him, and abide the judgment of the court, who shall be allowed out of the effects attached reasonable cost for his attendance. And that the manner of executing writs shall be by the officers going to the house or land, or to the person in whose hands or possession the defendant's estate or effects are supposed to be, and then and there declaring in the presence of one or more credible person or persons of the neighborhood, that he attacheth the same house or land or other effects, from and after which declaration the house or land, money and effects so attached shall remain in the officer's power, and be by him secured in order to answer and abide the judgment of court in that case, unless the garnishee will give security therefor. And if the plaintiff in the attachment obtain a verdict, judgment and execution for the estate, money and goods in the garnishee's possession, yet the defendant in the attachment may, at any time before the money be paid, put in bail to the plaintiff's action upon which the attachment is grounded, whereby the garnishee will or shall be immediately discharged. And if an attachment shall be made for goods or effects, and the garnishee plead he has 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 being satisfied that the proof is plain and full, shall find for the plaintiff and say what goods or effects they find in the garnishee's hands; whereupon judgment shall be entered, that appraisement may be made of the said goods or effects so found by the jury, and a precept shall be granted requiring the sheriff to get the same appraised; and if the garnishee will not produce them, execution shall be forthwith awarded for the value thereof according to appraisement, to be levied upon the lands, tenements, goods and chattels of the garnishee.

Provided always, That no writs of attachment shall hereafter be granted against any person or persons, but such only as, at the time of the granting of such writs, are not resident or residing within this province or territories, or are about to remove into some other colony or place, or shall refuse to give sufficient security to the complainant for the debt or other demand.

Provided also, That no attachment shall be made or laid upon lands or tenements, where the party will show any goods or chattels in his own or any other person's 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 attachment against non-residents, the plaintiff shall, before execution is awarded, find sureties, who shall undertake for the plaintiff, that if the defendant in the attachment shall within a year and a day next following, come into court and disprove or avoid the debt recovered by the plaintiff against him, that then the plaintiff shall restore to the defendant the money or other effects by the plaintiff attached and condemned, or so much thereof as shall be disproved, or else that they will do it for him.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Acts of Assembly passed October 28, 1701, Chapter 108, and January 12, 1705-6, Chapter 152.

CHAPTER XXX.

AN ACT FOR NATURALIZATION.

Forasmuch as the just encouragement of the inhabitants of this province and territories is likely to be an effectual way for the improvement thereof; and since some of the people that live therein, and are likely to come thereinto, are foreigners and not freemen according to the acceptation of the laws of England; the consequences of which may prove very detrimental to