

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Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6.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

them in their estates and traffic, and injurious to the prosperity of this province and territories:

[Section I.] Be it therefore enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of the said Province and Territories in General Assembly met, and by the authority of the same, That it shall and may be lawful for the proprietary and governor and his heirs, or his or their lieutenant and governor for the time being, by a public instrument under his or their broad seal, to declare any alien, aliens or foreigners being already settled or inhabiting within this government, or that shall hereafter come to settle, plant or reside therein, having first made and given his or their solemn engagement or declaration to be true and faithful to the King as sovereign, and to the proprietary and governor of this province and territories, according to the laws and usages thereof, before the governor for the time being; to be, to all intents and purposes, fully and completely naturalized; and the persons so approved of and named in such instrument or instruments as aforesaid, shall by virtue of this act, have and enjoy to them and their heirs the same rights and immunities of and unto the laws and privileges of this government, as fully and amply as any other of the King's natural-born subjects have or enjoy within the same, any former law, act, ordinance, custom or usage to the contrary in anywise notwithstanding.

And to the end such letters or instruments under the broad seal of this province, as aforesaid, may be obtained without any great difficulty or charge:

[Section II.] Be it further enacted, That the governor shall have and receive for the same, twenty shillings from every person already settled and residing within this government, that shall take out such instrument, and thirty shillings from every alien or foreigner that shall come to settle under this government, and no more; and the secretary shall have six shillings; and the keeper of the great seal six shillings for each and every such public instrument granted as aforesaid.

Provided, That nothing in this act contained shall be construed to enable or give power or privilege to any foreigner to do or execute any matter or thing which, by any act of parlia-

ment in England concerning the King's plantations, he is disabled to do or execute.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That all Swedes, Dutch and other foreigners who were settled in this province or territories before the date of the King's letters patent to the proprietary and governor, shall be deemed and by this act are declared to be fully and completely naturalized, and shall by virtue hereof have and enjoy to them and their heirs the same rights and immunities, of and unto the laws and privileges of this government, as any other foreigners may or can enjoy by virtue of this act, anything herein to the contrary notwithstanding.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix 1, Section II.

CHAPTER XXXI.

AN ACT FOR ASCERTAINING THE DESCENT OF LANDS, AND BETTER DISPOSITION OF THE ESTATES OF PERSONS INTESTATE.

For the prevention of disputes and contests at law or otherwise concerning estates, real and personal, of persons dying intestate, and for the more equal payment of their debts:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Counties annexed in General Assembly met, and by the authority of the same, That all lands, tenements and hereditaments and all personal estates whatsoever which any person hath or is seized or possessed of, in his or her own right, at the time of his or her decease, within this province and territories, shall be liable to be seized and sold by the lawful executor or administrator of the deceased by any lawful deed or conveyance, duly executed and approved and acknowledged in open court according to law, or by judgment or order of the respective courts of record, upon due procedure therein respectively had, for the payment of decedent's just debts, so far as the said estates shall