

## CHAPTER CVIII.

## AN ACT ABOUT ATTACHMENTS UNDER FORTY SHILLINGS.

Whereas by the twenty-ninth law<sup>1</sup> of this government, made at Newcastle in the year one thousand seven hundred, it was enacted, that the justices of the respective counties should grant writs of attachment, which were to be served by the sheriffs or coroners, but forasmuch as by that law no attachments can be granted for a debt under forty shillings; which could it be, the charges thereof would amount to more than the debt itself before the creditor receives the same; therefore, for the ease and benefit of the people:

[Section I.] 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 if any person shall absent him or herself out of this government, not taking care to satisfy and pay his or her just debts, it shall and may be lawful for any justice of the peace where such person's effects are, to grant a writ of attachment for any debt under forty shillings, directed to the constable, to attach the goods and chattels or other effects of such person to answer the creditor: and if he or she shall make proof of his or her said debt, the justice shall award execution for the same; to be executed by the constable, who shall have two shillings for serving the writ of attachment, and three shillings for serving the execution; which said goods or other effects shall be brought to an appraisement, but not sold until the expiration of three months next after, to the end that the debtor may have time to redeem them if he see cause, any act or law in this government to the contrary in anywise notwithstanding.

Passed October 28, 1701; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Act of Assembly, passed March 2, 1723, Chapter 263; repealed by the Act of Assembly, passed August 22, 1752, Chapter 399.

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<sup>1</sup> Act of Assembly, passed November 27, 1700, Chapter 29.