

shall convict him or them thereof, to be added to the common stock for the general use and benefit thereof.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That an act of assembly of the province of Pennsylvania entitled "An act to enable the owners and possessors of the meadows at Point No Point in the precinct of Richmond in the county of Philadelphia and to keep the banks, sluices and floodgates in repair and to raise a fund to defray the expenses thereof"¹ so far as relates to the meadow land or any part thereof contained within the limits herein described shall be and is hereby repealed and made null and void.

Passed September 24, 1789. Recorded L. B. No. 3, p. 546.

See the Act of Assembly passed March 16, 1791, Chapter 1534.

CHAPTER MCDXLV.

A SUPPLEMENT TO THE SEVERAL LAWS OF THIS COMMONWEALTH RESPECTING ATTACHMENTS.

(Section I, P. L.) Whereas the laws of this commonwealth respecting attachments have been found defective, inasmuch as no adequate provision is therein made for obtaining and compelling a disclosure of the goods, chattels, moneys, effects and credits of the defendant and defendants in the custody, possession and charge or due and owing from any garnishee or garnishees, upon whom such writs of attachment are respectively served, so that many honest creditors have been unable to recover their just debts, and the wholesome regulations of the said laws have often been defeated:

For remedy thereof:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That it shall and may be law-

¹Passed April 12, 1760, Chapter 454.

ful to and for any and every plaintiff and plaintiffs in any and every writ and writs of attachment already issued or to be issued by and out of any court or courts within this commonwealth, after judgment hath been duly obtained against the defendant and defendants therein respectively named, to prepare and exhibit in writing all and singular such interrogatories upon which the said plaintiff and plaintiffs is, are or shall be desirous to obtain and compel the answer and answers of any and every garnishee and garnishees in whose hands the said writ or writs of attachment hath or have been or shall or may be respectively laid and served touching the goods, chattels moneys, effects and credits of the said defendant and defendants in his or their possession, custody and charge or from him or them respectively due and owing at the time of the service of such writ or writs of attachment or at any other time. And the said interrogatories so prepared and exhibited the said plaintiff or plaintiffs shall file or cause to be filed in the proper court by or out of which the said writ or writs of attachment respectively hath or have issued or shall or may issue.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That each and every such garnishee and garnishees respectively to whom a copy of such interrogatories shall be delivered is and are hereby required and enjoined to be and appear before the justices of the same court on a day and time by them for that purpose to be named and then and there in writing exhibit and file under his or their oath or oaths, affirmation or affirmations (which the prothonotary of the proper court is hereby authorized and required to administer) full, direct and true answers to all and singular the interrogatories by the said plaintiff and plaintiffs respectively prepared, exhibited and filed in the manner hereinbefore directed and described. And if any garnishee or garnishees shall neglect or refuse so to do, then and in every such case it shall and may be lawful to and for the justices of the proper court and they are hereby required to adjudge that such garnishee or garnishees so neglecting or refusing as aforesaid hath or have in his or their possession, custody and charge

goods, chattels, moneys and effects of the said defendant or defendants in such writ or writs of attachment respectively named or is and are indebted unto such defendant or defendants to an amount and value sufficient to pay and satisfy the debt, claim or demand of the said plaintiff or plaintiffs together with all legal costs and charges of suits. And the said justices of the proper court shall thereupon award and issue a writ or writs of execution against the person or persons or against the goods and chattels, lands and tenements of such garnishees so refusing or neglecting as aforesaid, and therein shall proceed in like manner as if such writ or writs of execution had been awarded and issued by reason of any judgment in such court regularly pronounced and entered in pursuance of the verdict of a jury or by virtue of the confession of the party.

And whereas it frequently happens that garnishees in writs of attachment have in their hands and possession goods and chattels belonging to the defendant which cannot be found by the officer serving such writs to be taken and secured by him and others are indebted in large sums of money which they refuse to pay or in anywise to secure:

For remedy thereof:

[Section III.] (Section IV, P. L.) Be it [further] enacted by the authority aforesaid, That if any plaintiff in any writ of attachment to be issued within this commonwealth or any person for him shall upon oath or solemn affirmation declare that he or she verily believes that any person or persons upon whom any writ of attachment shall be directed to be served as garnishee hath or have any goods, chattels or effects belonging to the defendant or defendants in his, her or their hands or possession or under his, her or their care or is or are indebted to the defendant or defendants in any sum of money, although the same shall not then be due and shall also in manner aforesaid declare that the person or persons upon whom such writ of attachment shall be directed to be served as garnishee is or are not an inhabitant or inhabitants of the county within which the same shall issue or that he or she verily be-

believes that there is just cause to fear that such person or persons is or are about to depart and remove from the same, it shall and may be lawful for the plaintiff to cause to be inserted in the body of the writ of attachment a clause of *capias* against all such person and persons as aforesaid, upon whom the same shall be directed to be served as garnishee and he, she or they shall thereupon be held to sufficient sureties to appear at court and to make answers as by this act is required and further render his, her or their bodies to the prison of the proper county or to pay the condemnation money if judgment shall pass against him, her or them.

Passed September 28, 1789. Recorded L. B. No. 3, p. 557. See the Acts of Assembly passed October 28, 1791, Chapter 108; January 12, 1795-6, Chapter 142.

CHAPTER MCDXLVI.

AN ACT TO APPROPRIATE THE SUM OF FIVE THOUSAND POUNDS ANNUALLY FOR THE PURPOSE THEREIN MENTIONED.

(Section I, P. L.) This house having set apart out of the aggregate funds of the state the sum of ten thousand pounds annually for the purposes mentioned in an act entitled "An act to appropriate divers funds accruing and growing due to this commonwealth towards the payment of the expenses of government, and to provide a fund for other purposes,"¹ but no specific designation of the particular parts of the said sum having been made, declarative of the special purpose to which such parts shall be exclusively applied, and it being necessary to make such designation as well to prevent disorders in accounts as to preserve a due regard to the objects of the appropriation, so that one shall not be injured or neglected while the moneys are applied to others, and it being of the highest consequence to the prosperity of this commonwealth that the transportation of produce, commodities and merchandise should by every practicable means be facilitated by an atten-

¹Passed March 26, 1789, Chapter 1404.