

1705.

and this will be an effectual bar for the amount.

MSS. Reports, Supreme Court.

But if the Garnishee in a foreign attachment, pay over to the plaintiff the debt attached, without being compelled by due process of law, and without requiring the stipulation ordered by act of assembly, it will not discharge him from the original debt. 1 Binney, 25.

The security given by the plaintiff as to disproving the debt within a year and day, must be in the court where judgment was entered in the original action. *MSS. Reports, Supreme Court.*

A plea in abatement by Garnishees, on a *scire facias*, on a foreign attachment, that one of the partners was not named, is not a good plea. *MSS. Reports, Supreme Court.*

Where one tract of land is attached under a foreign attachment, and so returned, the Court cannot even by rule, substitute a different tract. *Lessee of Steinmetz and Bell v. Nixon. Circuit*

Court at Bedford, November 1801. MSS. Reports.

In a foreign attachment, the plaintiff may be called upon to shew his cause of action, though after the third Court. Fictions of law shall work no wrong. *MSS. Reports, Supreme Court.*

A foreign attachment was set aside, a judgment having been obtained for the demand in another state, and an execution levied thereupon. *MSS. Reports, Supreme Court.*

Upon the plea of *nulla bona* to a *scire facias* against a Garnishee, the jury must find the *specific* goods in the Garnishee's hands; a verdict, finding goods of a certain value in the defendants' hands is bad. But if they find the goods, they may also find their value, to save the necessity of a special inquest. 1 Binney, 481. See sect. 2, of the act in the text.

For cases of domestic attachment, see the notes under the particular acts respecting attachments against absconding creditors.

CHAPTER CXLV.

The LAW about seven years quiet possession. (b)

Quiet possession where to give right.

BE it enacted, That seven years quiet possession of lands within this province, which were first entered on upon an equitable right, shall forever give an unquestionable title to the same against all, during the estate whereof they are or shall be possessed, except in cases of infants, married women, lunatics, and persons not residing within this province or territories.

Passed in 1705.—Recorded A. vol. I. page 195.

(b) For an act limiting the period for commencing certain actions, see *post. chap. 196*, which is extended to actions on promissory notes by a subsequent law, *post. chap. 207*. On the 20th of March, 1785, (chap. 1134,) an act

was passed for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly. (*Note to former edition.*)

CHAPTER CXLVII.

An ACT against mixing and adulterating strong liquors.

Penalty on selling adulterated strong liquors.

FOR the preventing of fraud in mixing and adulterating rum, brandy, or such like spirits, *Be it enacted*, That if any person within this province shall presume to sell rum, brandy, or such like spirits, that is adulterated or mixed with water, or any other liquor, knowing the same to be so adulterated or mixed, being convict thereof, by one or more credible witnesses, he or she shall, for every such offence, forfeit the said rum, brandy or spirits to be exposed to

sale, and pay treble the value thereof; one moiety to the support of government, and the other moiety or half to him that shall discover and prosecute the same. 1705.

Passed in 1705.—Recorded A. vol. I. page 196.

CHAPTER CXLIX.

An ACT for county seals, and against counterfeiting hands and seals.

BE it enacted, That there shall be a county seal in every county of this province, for the use of each county; and if any person, within the said province, shall be convicted of counterfeiting the hand or seal of another, with intent to defraud, such person shall suffer three months imprisonment, at hard labour, and be fined treble the value he or she shall have defrauded, or attempted to have defrauded, thereby, to the use of the party wronged; and whosoever shall counterfeit the privy or broad seal of the said province, being convicted thereof, shall suffer seven years imprisonment as aforesaid, and be fined, at the discretion of the court where such party shall be convicted, in any sum not exceeding one hundred pounds, to the support of government.

Penalty on counterfeiting hand or seal.

Passed in 1705.—Recorded A. vol. I. page 197. (c)

(c) A law of a similar title was passed in 1700, and recorded in book A. vol. 1, page 11, which was repealed by the king and council on the 7th day of February, 1705.

The first act passed under the existing constitution, entitled "An act to declare and establish the seals of this commonwealth," constituted the seal, known by the name of the state seal, lately in the custody of the supreme executive council, the state seal, to be affixed to all patents, &c. and also the lesser seal lately in custody, as aforesaid; and declared them to be the great and less seals of the commonwealth. This act was passed January 8th, 1791, (chap. 1510.) The device of the broad seal of the province consisted of the armorial bearings of the family of the late proprietor. But there had been no description on record of the great seal of the commonwealth.

Therefore, by an act passed March 2nd, 1809, entitled "An act to perpetuate the great seal of this commonwealth;" reciting that it was necessary to renew the same; and that as there was no description on record thereof; and as it was proper that it should be particularly described and established, that it may hereafter be more fully known and recognized—The secretary of the commonwealth was authorized and directed to record a description thereof in his office, that the same may be made perpetual.

In pursuance of the foregoing act, the secretary of the commonwealth, on the 1st of July, 1809, described and recorded the seal of the state in his office.

See the note to the act against defacers of charters, ante. chap. 16, page 4.

CHAPTER CL.

An ACT for defalcation.

BE it enacted, That if two or more, dealing together, be indebted to each other upon bonds, bills, bargains, promises, accounts, or the like, and one of them commence an action in any court of this

Persons sued upon bond, bill, &c. may plead payment of part