

aforesaid found by the Jury against such absent Defendant or Defendants, with Costs, to be levied of the proper Goods, Chattels or Estate, of such Garnishee or Garnishees for making Default as aforesaid; but if any Garnishee or Garnishees shall appear at the Returns of such Writ of Summons, and shall then and there either admit by Confession or otherwise, that he hath sufficient of the Monies, Goods, Rights and Credits, or real Estate of such absent Defendant or Defendants in his Hands or Possession, to pay and satisfy the said Judgment, or shall then and there discover and render an honest, just and true Account, in Writing, upon Oath, of all Monies, Goods or Effects, and real Estate of or belonging to such absent Defendant or Defendants, and that he hath not thereof in his Hands, Possession or Power, beyond such a Value, to satisfy the said Judgment, and the Plaintiff shall be satisfied with such Account, or otherwise shall not be able to disapprove the same by giving Proof in Evidence to the Contrary, which the Plaintiff in such Suit shall at all Times be at Liberty to do, then Judgement shall be given for so much as is certified or sworn to by such Garnishee or Garnishees, and not otherwise disapproved by the Plaintiff as aforesaid, and Execution shall thereupon issue, without Costs to be levied of the Goods, Chattels, Rights, Credits and real Estate of the absent Defendant or Defendants, in the Hands, Possession or Power of such Garnishee or Garnishees, to be by him or them shewn to the Provost-Marshal of this Province, his Deputy or Deputies, or other Officer to whom such Writ of Execution shall be directed (which Writ of Execution shall be made returnable on the next Return-day from the Test or Time of issuing thereof) and for Want of Goods, Chattels, Rights, Credits and Estate as aforesaid, of such absent Defendant or Defendants, to be by such Garnishee or Garnishees shewn as aforesaid, and upon the Return of such Writ of Execution accordingly, the Plaintiff in such Suit shall and may take out another Writ of Execution, returnable as aforesaid, to levy the Value of the Judgment against such Garnishee or Garnishees as aforesaid, with Costs, of the proper Goods, Chattels and real Estate of such Garnishee or Garnishees, and for Want thereof the Provost-Marshal of this Province, or his Deputy or Deputies, or other Officer to whom such Writ of Execution shall be directed, shall take the Body or Bodies of such Garnishee or Garnishees, and commit to Prison, there to remain till the said Judgment, with Costs, be satisfied, or until such Garnishee or Garnishees be discharged by due Course and Order of Law.

*Provided*, That the Plaintiff, so prosecuting, do and shall give good and sufficient Security to His Majesty, in double the Value of the Judgment, before any Writ of Execution shall issue, before the Justice or Justices of each respective Court, to and for the Use of such absent Defendant or Defendants conditioned to make Restitution of the Goods, Chattels, Credits or real Estate of such absent Defendant or Defendants, or of such Garnishee or Garnishees as aforesaid, or the Value thereof, or such Part thereof as the absent Defendant or Defendants, so as aforesaid prosecuted, shall at any Time within one Year and a Day, to be computed from the Time of entering Judgment against such absent Defendant or Defendants, come in, either in Person or by Attorney, and appear to the said original Action, and shall move to have the Judgment, by Default as aforesaid, set aside, which the said Court is hereby required to do, and shall plead thereto an issuable Plea, and upon Trial shall make it appear, that the said Plaintiff, before the Commencement of the said Action, hath been, and is satisfied and paid the Debt in the said Judgment mentioned, or some Part thereof, which Judgment and Execution of the Goods, Chattels, Credits or real Estate of such absent Defendant or Defendants, in the Hands of such Garnishee or Garnishees as aforesaid, had and made, shall be sufficient and pleadable in Bar, by such Garnishee or Garnishees in any Action to be brought against him, by such absent Defendant or Defendants for the same.

And whereas, by an Act of Parliament made in *Great-Britain*, in the fifth Year of the Reign of his late Majesty King GEORGE the Second, it is, amongst other Things, Enacted, That, " The Houses, Lands, Negroes, and other real Estates " within any of His Majesty's Plantations, belonging to any Person indebted, shall " be