

Proviso :
Plaintiff must
prove his
claim.

Futher affi-
vit required
before execu-
tion shall issue

so seem fit to the Court or a Judge, to direct that the Plaintiff may proceed in the action in such manner and subject to such conditions as the Court or Judge may direct or impose : Pro-
vided always, that the Plaintiff shall prove the amount of the
debt or damages claimed by him in such action either before 5
a Jury on an assessment or by reference to compute in the
manner provided by this Act according to the nature of the
case, and the making such proof shall be a condition prece-
dent to his obtaining Judgment, and no execution shall issue
until the Plaintiff, his Attorney or Agent shall make oath of 10
the sum justly due by the absconding Debtor to the Plaintiff,
after giving him credit for all payments and claims which
might be set off or lawfully claimed by the Debtor at the time
of making such last mentioned affidavit, and the execution
shall be indorsed to levy the sum so sworn to with the taxed 15
costs of suit or the amount of the Judgment, including the
costs which ever shall be the smaller sum of the two.

Plaintiff may
obtain concu-
rent writs, to
other Sheriffs.

XLVI. The Plaintiff may at any time within six months
from the date of the original Writ of Attachment, without
further order from the Court or a Judge, issue from the office 20
whence the original Writ issued, one or more Concurrent Writ
or Writs of Attachment, to bear teste on the same day as the
original Writ, and to be marked by the Officer issuing the
same with the word "Concurrent" in the margin, which
Concurrent Writ or Writs of Attachment may be directed to 25
any Sheriff other than the Sheriff to whom the original Writ
was issued, and need not be sued out in duplicate or be
served on the Defendant, but shall operate merely for the
attachment of his real or personal property, credits or effects
in aid of the original Writ. 30

They shall be
used merely
for attaching
property.

Court may let
in Defendant
to put in Spe-
cial Bail.
Affidavit re-
quired.

XLVII The Court or a Judge may at any time before or after
final Judgment, but before execution executed, in their discre-
tion, and having regard to the time of the application and other
circumstances, let in the Defendant to put in Special Bail, and
to defend the action, upon an application supported upon satis- 35
factory affidavits, accounting for Defendant's delay and default
and disclosing a good defence on the merits.

Property of
Defendant to
be restored on
his putting in
Special Bail ;

XLVIII Upon the Defendant's putting in and perfecting Spe-
cial Bail to the action in like manner as if he had been arrested
on a Writ of Capias, for the amount sworn to on obtaining the 40
attachment, either within the time limited by the Writ or within
such time as shall be specified by the Court or a Judge on
letting in the Defendant to defend as aforesaid, all his pro-
perty, credits and effects which have been attached in that suit,
excepting any which may have been disposed of as perishable, 45
and then the net proceeds of the goods so disposed of, shall be
restored and paid to him unless there be some other lawful
ground for the Sheriff to withhold or detain them, and after
Special Bail shall be so put in and perfected the Defendant

Or proceeds if
sold.