

several matters required by the said Act, but also, that no offer has been made to pay in Army Bills the sum of money in such affidavit mentioned; and therein sworn to for the purpose of obtaining such Attachment; And if any process of Attachment shall be issued upon which the estate, debts and effects of any nature soever, of any person whomsoever in the hands of the owner, of the debtor or of a third person, might have been attached prior to trial and judgment before the passing of this Act, and no affidavit shall be made, that no such offer of payment in Army Bills had been made as aforesaid; such Attachment shall not be executed, and proceedings shall be had against the owner or owners of the estate, debts or effects which might otherwise have been attached in the same manner as if no affidavit had been made for the purpose of obtaining an Attachment under the provisions of the Ordinance last aforesaid; Provided always, that if affidavit shall be made upon which any Attachment against the estate, debts and effects of any person or persons whomsoever in the hands of the owner, of the debtor, or of a third person, might have been obtained before the passing of this Act, and it shall likewise be sworn in such affidavit, that such offer of payment in Army Bills has been made as aforesaid, so that such attachment which might have been obtained and issued if this Act had not been made, cannot by reason of such offer and of the provisions in this Act contained, be so obtained and issued, it shall be lawful for the Court out of which the process *ad respondendum* in such case shall issue or for any Judge of such Court, in a summary way, in term or vacation, to order the defendant or defendants in the action in which such process *ad respondendum* shall issue, to cause such Army Bills as aforesaid, to the amount of the sum of money for which such attachment might have issued, if this act had not been made, to be deposited in such manner as such Court or such Judge shall direct to answer the *demande* of the plaintiff or plaintiffs in such action; and if such deposit shall not be made within the time limited by such order, after such notice thereof as shall there by be directed to be given, it shall be lawful upon affidavit duly made and filed, that such deposit has not been made according to such order, to award and cause to be issued an attachment or attachments against the estate, debts and effects of any nature whatsoever of such defendant or defendants in such action, in the hands of the owner, of the debtor, or of a third person, prior to trial or judgment in such and the same manner, as if this Act had not been made.

Proviso.

On *Capias ad satisfaciendum* a deposit of the debt and costs in Army Bills, shall stay proceedings.

XI. And be it further enacted by the authority aforesaid, that if any person or persons against whom any Writ of *Capias ad satisfaciendum* shall have issued out of any of His Majesty's Courts in this Province, shall deposit in the hands of the Sheriff to whom such Writ of *Capias ad satisfaciendum* shall be addressed, the amount of the sum for which such *Capias ad satisfaciendum* shall have issued in Army Bills, such deposit so made, shall operate as a *superfedeas* of such Writ of *Capias ad satisfaciendum*, and it shall be lawful to and for the Court out of which such *Capias ad satisfaciendum* shall have issued, or for any Judge of such Court, in a summary way, upon affidavit duly made and filed, that such deposit has been so made as aforesaid, forthwith to discharge such person or persons against whom such *Capias ad satisfaciendum* shall have issued, out of custody, and to direct and order such Army Bills to remain or be deposited in such manner as such Court or such Judge