execution, by delivering up to the sheriff the specified articles, which he may require the jury to find, and which shall then be sold by writ of sale, the sheriff having first filed a schedule of them.

9. When the defendant has appeared, there shall be no judgment against the garnishee, until after a proceeding similar to that directed against a sheriff in the seventh section; in which however, the garnishee may demand a jury, and such proceedings by and before them, may be had as are directed in the eighth section, and the party may relieve himself from execution in the manner provided for in the eighth section; but the proceedings and judgment, if one is rendered, shall in all other respects, be regulated by the seventh section.

10. Whenever property in the hands of the sheriff, on account of its perishable or expensive nature, or for any other legal reason, is ordered to be sold, a writ of sale, shall be issued.

11. If property against which a writ of sale has been issued, is not sold in pursuance of the first writ of sale, other writs of sale may be issued until it is sold.

12. If the sheriff neglects his duty under a writ of execution or sale, an action of damages may be maintained against him.

13. Every sheriff, to whom a writ of execution or sale has been directed, shall have authority, and it shall be his duty to put the purchaser or purchasers of any property movable or fixed, sold by virtue of such writ, in possession of such property; if the sheriff himself or the person against whom the writ was issued, is in possession of the same. It shall also be his duty and he shall have authority to execute all instruments of writing or other evidences of title, which may be necessary or proper for the security of such purchaser or purchasers.

14. Whenever a plaintiff shall recover in ejectment or replevin, the goods in the latter case being in the possession of the defendant, he may in his discretion, obtain a writ of possession, directing the sheriff, to deliver to him such lands or goods, which writ it shall be the duty of the sheriff to execute.

15. The purchaser of lands or goods at sheriff's sale, may have a writ of possession, requiring the sheriff to deliver such lands or goods to him, upon shewing sufficient evidence of his title, and that the land or goods were in possession of the sheriff

or of the party, as whose property they were sold. All of which matters the court may inquire into in a summary way, without a jury, giving such notice as they may deem reasonable to the parties in possession.

16. Judgments in injunction and specific performance, may be enforced by writ of arrest, bringing the defendant before the court. On his appearance, the court may punish him by fine, or otherwise in their discretion, and may repeat the proceeding until the object is attained.

17. Where property has been attached, as per schedule, at the commencement of proceedings, and the attachment has not been dissolved, but the property remains in the hands of the sheriff, as security for the judgment; or where mortgaged, or pledged property, has so been attached, and so remains, a writ of sale shall issue in place of an execution, and such attached property shall be sold under the same. But if the attached property, do not produce sufficient to discharge the judgment, a writ of execution may afterwards be issued, for the amount deficient.

CHAPTER XIX.

OF INSOLVENCY.

1. Insolvency is the condition of a man, whose property is not sufficient to pay his debts.

2. Whenever a man is insolvent, all conveyances, assignments, transfers and deliveries of his property, shall be void and of no effect; but conveyances, assignments, transfers, and deliveries of his property, made ninety days before his assignment for the general benefit of his creditors, as hereinafter provided for, to persons ignorant of his insolvency, shall be valid. It shall be presumed that every man is insolvent, for ninety days before he applies for permission to assign his property, for the general benefit of his creditors. Before that time, his acts are valid, unless his insolvency can be proved.

3. Every person arrested on a writ of execution, or a writ of arrest, for debt, contract, or damages, not for personal injuries, shall be at liberty to declare himself insolvent, and apply for leave to assign his property for the general benefit of his creditors.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)