8. A writ of attachment is a writ directed to the sheriff, commanding him to attach the lands, goods, chattels, and credits of the defendant or defendants, to the value of a sum to be expressed in the attachment, and to have the writ before the court at a certain day.

9. The sum specified in any writ of attachment shall not exceed the sum of one hundred dollars, unless in the cases hereinafter otherwise provided for.

10. The plaintiff having filed his complaint, and being entitled to move for an attachment under the provisions of the seventh section of this chapter, may—unless the complaint be in an action of damages, for an injury to the person, or reputation of the plaintiff or his wife, or for such other injury as cannot be conveniently estimated in money—make an affidavit or affirmation of the sum due to him, or of the injury he has received, and of the damages he believes he has sustained; and in that case, the writ of attachment shall direct the sheriff to attach property to an amount equal to the amount of the debt or damages so sworn to, and half as much more, so as to answer the interest and costs, as well as the debt or damages.

11. If the complaint be in debt, and the plaintiff shall exhibit to the court evidence, in writing, that any specific property has been mortgaged or pledged as security for the debt, then the writ of attachment shall command the sheriff to attach the specified property so mortgaged or pledged, without regard to the value thereof. And such writ may issue without any previous writ of summons having been issued.

12. In all cases of actions of debt or contract, wherein a specific performance is not sought to be compelled, and in all actions of damages, except those that are excepted in the tenth section of this chapter, the plaintiff may commence by filing his complaint, and the affidavit required in the said tenth section, with an addition to such affidavit, that he fears that the defendant or defendants cannot be found to be summoned, or will not appear if summoned, and shall thereupon be entitled to an attachment.

13. In an action of enforcement, no affidavit or any previous writ shall be necessary to obtain an attachment, except in the case provided for in the fifteenth section. If the original judgment was in injunction or ejectment, the costs and as much more shall be regarded as the sum to be specified in the attachment.

14. All writs of attachment issued under the tenth, eleventh, twelfth, or thirteenth sections of this chapter, shall contain a clause requiring the sheriff to summon the defendant or defendants, as in a writ of summons.

15. In an action of enforcement, if the original judgment were in specific performance, the same rule as to the sum to be mentioned in the attachment, shall prevail, as in the case of a judgment in injunction or in ejectment, unless there be an affidavit of non-performance of the judgment, and of the extent of damages sustained by such non-performance.

16. It shall be the duty of the sheriff, immediately upon the receipt of any writ of attachment, to attach, seize, and take into his hands and possession, if necessary, all the personal or movable property of the defendant or defendants named in the writ of attachment, which he shall find in his or her possession, or not in the possession of any other person; and also to attach, seize, or take possession, if necessary, of the right, title, and interest of the said defendant or defendants, in all fixed and immovable property. But if the writ of attachment refer to particular property, he is not to meddle with any other.

17. The necessity referred to in the last section, is the necessity of making up the value of the sum called for in the writ of attachment.

18. In order to ascertain the quantity of property which it may be necessary to attach or seize, it shall be the duty of the sheriff to cause all property so attached or seized to be appraised and valued by two disinterested persons, upon their solemn affirmation to value the same to the best of their skill and ability.

19. It shall also be the duty of the sheriff to cause a list or schedule of all property so as aforesaid seized or taken, and of the appraisement and valuation thereof, to be made out and annexed to the writ of attachment, and to return the said writ 'attached as per schedule.'

20. If, from the peculiar nature of any personal property belonging to the defendant or defendants, it shall be incapable of being taken into the hands and possession of the sheriff, he may nevertheless include it in his schedule, and shall give notice to all persons whose interest may require such notice, that he has so done. Courts may adopt such rules upon the subject, embraced in this section, as may from time to time appear to them proper, and may regulate such notice in the manner they may deem most just.

21. If there is not sufficient property, of the defendant or defendants, liable to be included in a schedule, to produce the amount required by the writ of attachment, or if the plaintiff shall so direct, the sheriff may lay the attachment in the hands of any person or

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)