33. Every writ of arrest against a defendant, in any action other than injunction, shall be accompanied by a writ of attachment; and if the defendant will point out to the sheriff sufficient property, liable to be attached as per schedule, to cover the sum mentioned in the writ of attachment, which shall be the same mentioned in the writ of arrest, the sheriff shall not execute the writ of arrest; but, as a reason for not so doing, shall return, upon the writ of arrest, that he has executed the accompanying writ of attachment. The two writs shall be considered as commencing but one action.

34. It shall be the duty of the sheriff immediately on the receipt of a writ of arrest, to arrest every person whom he is thereby commanded to arrest, and to carry him before some person authorized to take bail, unless in the case provided for in the thirty-third section of this chapter, and also, if required by the person before whom he is so carried, to conduct him to prison, there to be detained until discharged by due course of law, and to make return to the court of what he has done in the matter. Writs of arrest may be continually renewed until the defendant or defendants is or are arrested.

35. In an action of specific performance, or of enforcement founded upon a judgment in specific performance, the plaintiff being entitled to an attachment after a return of 'summoned,' or after two returns of 'not found,' or in an action of enforcement without such return, may exhibit to the court or one of the judges thereof, such evidence of the contract and its circumstances, as he may think proper, by his own affidavit or otherwise, and the court or judge may thereupon order a writ of attachment to issue directing the sheriff to attach any specific property to which it may appear to such court or judge that the plaintiff is entitled under the contract, specific performance of which is sought to be compelled, and the property taken under such attachment, shall, whenever a judgment by default or otherwise is rendered in the cause, in favour of the plaintiff, be delivered to the plaintiff.

36. In ejectment there shall be no writ of attachment or of arrest, nor any bail required, but on a return of a writ of summons, the plaintiff, having filed his complaint, if the defendant do not appear, may cause a copy thereof, together with a copy of the writ of re-summons, to be set up on the property claimed, ten days before the return day of the re-summons, and for that purpose may have a writ of re-summons, although the writ of summons may have been returned summoned; and if the defendant do not appear within four

days after the said return day, the plaintiff shall be entitled to a judgment by default.

37. An action of injunction must be commenced by a writ of injunction, to obtain which, the plaintiff must file his complaint verified by his own oath, and by such other evidence as the court or judge may think proper. The court or judge may also require the plaintiff to give sufficient security to indemnify the defendant from any injury he may sustain, by means of the writ of injunction; but this is a matter in the discretion of the court or judge, as is also the issuing the injunction and the contents thereof.

38. A writ of injunction is a writ directed to the party, commanding him to abstain from doing some act, which it is alleged he is about to do, and also to appear before the court at a day to be therein appointed, to shew cause why the injunction shall be dissolved. Every writ of injunction shall be issued in duplicate.

39. A writ of injunction may be served by the sheriff, or any other person except the plaintiff, by leaving it, or a copy or duplicate thereof, with the person to whom it is directed. The original, or its duplicate writ, must be returned to court on or before the day appointed for the defendant's appearance, accompanied by a solemn affirmation of the service.

40. If the defendant disobeys the injunction, the court, on being satisfied of the facts by affidavit, may issue a writ of arrest against him, although privileged under the twenty-ninth section, and punish him by fine or imprisonment, or otherwise, in their discretion. Such writ shall be returnable before the court or a judge thereof only, and shall contain no clause respecting bail or security.

41. An injunction shall not be dissolved, unless the defendant appears and files a sufficient answer to the complaint, verified by oath; it shall not be dissolved merely because he denies knowledge of the facts alleged in the complaint, and puts the plaintiff upon the proof thereof.

42. Replevin must be commenced by issuing a writ of replevin, to obtain which, the plaintiff must give sufficient security, in the discretion of the clerk of the court, that he or his representatives will return the goods about to be replevied, and pay the costs, if any court having jurisdiction in the cause shall so adjudge, and indemnify the defendant, from any injury he may sustain, by means of the writ of replevin.

43. A writ of replevin is a writ directed to the sheriff, commanding him to replevy and deliver to the plaintiff, the goods there-

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)