

court of chancery. Given under my hand and seal this — day of — 17—;’ and the said summons shall be directed to the sheriff or coroner, as the case may require, of the county where the witness resides, and shall be returned to the surveyor who issued it; and in case of the non-attendance of any witness, agreeably to such summons, when it is returned summoned, and the same appearing to the chancellor, the said witness shall, on motion to the chancellor, be adjudged in contempt of the court, and upon motion there shall be the same process and proceedings as in other cases of contempt.

SEC. 7. *And be it enacted,* That on writs or warrants of resurvey from the general or any county court, the sheriff or coroner, as heretofore, shall summon witnesses, and upon proof of such summons and non-appearance of a witness made to the court from which the warrant or writ issued, he shall, on motion, be adjudged in contempt of the court, and attachment may issue as in other cases of contempt.

Sheriff, &c.
to summon
witnesses,
&c.

SEC. 8. *And be it enacted,* That there shall be allowed to any witness attending agreeably to any summons aforesaid the same allowance as is made to a witness attending a county court, to be recovered by order and attachment from the court which issued the order, writ or warrant, for the survey, or by a warrant as in case of small debts, if under five pounds.

Allowance
to witnesses
&c.

CHAPTER 42.

AN ACT relating to writs of *capias ad satisfaciendum*.

Other acts are 1801, ch. 74; 1802, ch. 109; 1807, ch. 115; 1813, ch. 102; 1828, ch. 50.

WHEREAS, plaintiffs are often willing to grant indulgence to defendants arrested on writs of *capias ad satisfaciendum*, but doubts have arisen whether such indulgence can be granted without depriving the plaintiffs of the benefits of any further execution;

Preamble.

SEC. 2. *Be it enacted by the General Assembly of Maryland,* That in case any writ of *capias ad satisfaciendum* hath been or shall be issued out of the general court, or any county court of this state, on which there hath been or shall be an arrest of the defendant or defendants, if the plaintiff or plaintiffs, with the consent of the defendant or defendants, have elected or shall elect not to call the said execution during the term to which it was or may be returnable, it shall and may be lawful for every such plaintiff or plaintiffs to proceed against every such defendant or defendants, and his, her or their heirs, devisees, executors or administrators, by a new execution, or such other process as the nature of the case may require, for such sum of money or tobacco as may remain unsatisfied on his, her or their judgment, in the same manner that he, she or they, might have

Provision in
case of a
writ of
*capias ad
satisfaciendum*, &c.