

Writ of summons.

40. There shall be issued with every attachment issued, under the provisions of the two preceding sections, a writ of summons against the defendant, as is usual in actions at law.

Clerk shall take bond.

41. Every Clerk, before issuing an attachment, under the preceding sections, shall take from the plaintiff, or some person on his behalf, bond to the State of Maryland, with security to be approved by said Clerk, in double the sum alleged to be due by the defendant or defendants, conditioned for satisfying all costs which may be awarded to such defendant or defendants, or to any other persons interested in the proceedings, and all damages which shall be recovered against the plaintiff, for wrongfully suing out such attachment, which bond shall be filed in the office of the Clerk issuing such attachment; the condition of said bond shall be substantially in the following form: The condition of this obligation is such that, whereas, the above bounden ——— hath, on the day of the date hereof, ordered an attachment out of (naming the Court from which the said attachment shall issue) at the suit of ——— vs. ———, for the sum of ———; and the same being about to be sued out of said Court, returnable on the — day — next. Now, if the said ——— shall prosecute his suit with effect, or in case of failure thereof, shall well and truly pay and satisfy the said ———, all such costs in said suit and such damages as shall be awarded against ———, his heirs, executors, or administrators, in any suit or suits which may hereafter be brought for wrongfully suing out said attachment, then the above obligation to be void, otherwise to remain in full force and effect. Every attachment issued without a bond and affidavit taken as aforesaid is hereby declared illegal and void, and shall be dismissed.

Affidavit to be filed.

42. In all cases where two or more persons are jointly indebted, either as partners or otherwise, and an affidavit shall be filed as hereinbefore provided, so as to make one or more of such joint debtors amenable to the process of attachments, then the writ of attachment shall issue against the lands and tenements, goods, chattels and credits of such as are so brought within the provisions of this law; but the writ of summons shall issue