

CHAPTER 39.

CHAP. 39.

A further supplement to the act, entitled an act directing the manner of suing out Attachments in this Province, and limiting the extent of them. Passed Mar. 19, 1840.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, it shall and may be lawful for any of the courts of this State, or any judge thereof, in any vacation of said courts, out of which attachments shall issue, in conformity with the provisions of the act to which this is a supplement, and its several supplements, to order a sale of any personal property, which may be levied on by virtue of such attachments, (whenever they may deem such sale expedient,) upon such terms and notice of sale as their order may prescribe, as well previously to as after the return of the attachments; and the proceeds of such sale after payment of the expenses incident thereto shall be paid into court, and be deposited to the credit of the suit in which the order shall have been passed.

Court, during vacation, to order sale of personal property

Proceeds of sale to be paid into court

SEC. 2. *And be it enacted,* That no attachment shall be dissolved in cases where the plaintiff or any one of the plaintiffs is a citizen of this State, and where the defendant or any one of the defendants was a citizen of this State at the time the contract was made, or the debt or damages accrued, upon which such attachment may issue, unless the defendant or defendants, or some one of them, or some person in his or her behalf, give bond in a penalty, with sureties to be approved by the court from which the attachment issued, or one of the judges thereof during the recess, with condition that the defendant shall pay to the plaintiff, the value of such goods, chattels or credits, as may have been levied upon or taken under such attachment, if the plaintiff in such attachment shall recover against the defendant an amount equal to the value of such goods, chattels and credits, and to pay the amount so recovered, if it shall be less than the value of the goods, chattels and credits so attached.

No attachment to be dissolved

Unless bond be given

With condition

SEC. 3. *And be it enacted,* That upon giving bond as provided in the preceding section, the attachment shall be dissolved, upon the defendants authorising an appearance to be entered, and common bail, but upon failure of the defendant to appear, judgment of condemnation may be entered against him, which shall be a sufficient judgment to entitle the plaintiff to recover on such bond.

Upon bond being given, attachment to be dissolved