

ASSOCIATE JUSTICE.

— Their duty to prepare all instruments of writing to be executed by them under the law, &c. except in cases of acknowledgments of deeds. 1793, ch. 22.

— Their power respecting the apprehending free negroes, mulattoes, or other persons living free, &c. 1793, ch. 27, § 20.

— Their power as to demanding salvage to be paid to the wreck-master in Worcester county. 1799, ch. 82, § 2.

— Bonds given by coroners to the state, to be entered into before, and attested by, an associate justice of the county, or the chief justice of the district. 1797, ch. 95.

— Two persons to be appointed associate justices of the court of oyer and terminer, and grand delivery in Baltimore county and city. 1799, ch. 58, § 1.

— Their powers defined. *Ibid.* § 4.

— Their allowance. *Ibid.* § 10.

— Two associate justices may, out of court, take the sheriff's bond as therein directed. 1794, ch. 54, § 8.

— In case of the death, absence, &c. of one of the associates, the other shall call in two justices of the peace, who shall, with him, judge of the sufficiency of the securities, and attest the execution. *Ibid.*

ATTACHMENT.

— No attachment shall issue from any court against a defendant residing in the state, before two successive writs against him have been returned non est. 1715, ch. 40, § 2.

— If the defendant is absent out of the state, then one writ being returned non est, and the plaintiff leaving a copy of his declaration, or short note, expressing the cause of action, with the defendant's attorney, (if he hath one,) or at the defendant's late dwelling-house, and making such proof of his action as the court shall think fit, the court shall award an attachment against the goods, chattels and credits, of such absent defendant, so prosecuted and not appearing, which may be laid on such goods, &c. in the plaintiff's own hands, or those of any other person. *Ibid.* § 3.

— In such attachment shall be a clause, commanding the sheriff to make known, at the time of the execution, to the person in whose hands the goods, &c. so attached are, to appear on the return of the attachment, before the court, to shew cause why such goods, &c. should not be condemned. *Ibid.*

— If the defendant shall not then appear, nor the garnishee aforesaid, the goods, &c. shall be condemned, and execution awarded as in other judgments. *Ibid.*

— The plaintiff, giving security in court for the use of the defendant to make restitution of the same, or the value, if such defendant shall, within a year and a day from the awarding the attachment, by himself or attorney, appear to the original action, and prove payment, or otherwise in court discount or bar the plaintiff of the whole or part. *Ibid.*

— Such condemnation and execution of the goods, &c. shall be pleadable in bar by the garnishee in any action brought by the said defendant for the same. *Ibid.*

— The plaintiff may exhibit interrogatories in writing to the garnishee concerning the property of the defendant in his possession or charge, or by him due or owing, at the time of serving such writ of attachment, or at any other time. 1795, ch. 56, § 5.

— The garnishee shall, by rule of court, answer such interrogatories, and, on his neglect or refusal, the court shall adjudge that he has in his possession property of the defendant, or is indebted to him, to an amount sufficient to pay the debt, damages and interest of the plaintiff, and costs, and execution shall issue as in other cases of condemnation in the hands of garnishees. *Ibid.*

ATTACHMENT.

— If the plaintiff, or any person for him, makes oath or affirmation, that he believes the person against whom the attachment is to be served has property belonging to the defendant in his hands or possession, or under his care, or is indebted to the defendant in any sum, (though not then due,) and that he believes that he has just cause to fear that such person is about to remove from the county where he resides, the clerk, on the affidavit being filed, may insert in the attachment a clause of *capias ad respondendum* against such person as garnishee, pursuant to the plaintiff's claim. *Ibid.* § 6.

— Such garnishee shall thereupon be held to sufficient bail to appear at court, and to make answer as above directed, and to render his body to prison, or pay the condemnation money, if judgment shall pass against him. *Ibid.*

— If a person, not a citizen of this state, and not residing therein, is indebted to a citizen of this or any other of the United States, or if one citizen being indebted to another citizen of this state shall run away, abscond or fly from justice, or secretly remove from his abode, with intent to evade the payment of his debts, in either case the creditor may apply to a judge of the general court, a justice of the county court, or justice of the peace, and make oath or affirmation before such judge, &c. or any judge of any other of the United States, that the said debtor is *bona fide* indebted to him, over and above all discounts, (producing the bond, account, &c.) that he knows, or is credibly informed and believes, that the debtor is not a citizen of this state, and does not reside therein, (where such is the case,) and, (where the debtor is a citizen of this state,) that he knows, or is credibly informed and believes, that such debtor is run away or fled from justice, or removed from his abode, with intent to injure and defraud his creditor or creditors. *Ibid.* § 1.

— Such judge or justice of this state shall thereupon issue a warrant to the clerk of the general or county court, (as the case may require,) to issue an attachment against the lands, &c. of such debtor. *Ibid.*

— On receipt of such warrants, together with the proof on which they were granted, attachment shall issue with the same clause of *scire facias*, and to have the like proceedings, &c. as are prescribed by the act of 1715, ch. 40. *Ibid.*

— There shall be issued with such attachment a writ of *capias ad respondendum* against the defendant, and a declaration or short note of the cause of action shall be filed, and a copy sent with the writ, to be set up at the court-house door. *Ibid.* § 3.

— To every attachment under this act, the garnishee may plead in behalf of the defendant such plea as the defendant could do if taken by such *capias*, and appearing to the same. *Ibid.* § 4.

— The oath or affirmation of a creditor before a judge of any other of the United States shall not be evidence without a certificate of the clerk of his court, or the governor or chief magistrate, or a notary public, of such state, that he has authority to administer such oath, &c. *Ibid.* § 2.

— No sheriff shall execute more against the garnishee than the plaintiff's debt and costs, nor than what the plaintiff shall make appear in court to be the goods, &c. of the defendant, with such costs only as such garnishee shall put the plaintiff to by denying himself to be indebted to the defendant, and contesting the same. 1715, ch. 40, § 4.

— No sheriff shall attach the goods, &c. of any inhabitant, so as to deprive him of all future livelihood, but, corn for necessary maintenance, bedding, gun, axe, pot, labourers necessary tools, and such like household implements and ammunition for subsistence, shall be protected from all attachments and executions whatever. *Ibid.* § 5.

— Persons proved to abscond from the sheriff, or absent out of the state, (to be averred upon oath,) shall have no benefit of any favourable interpretation of this law. *Ibid.* § 6.