

JOHN H. STONE, Esquire, Governor.

1795.

C H A P. LVI.

note

to issue an attachment or attachments against the lands, tenements, goods, chattels and credits, of the said debtor; upon the receipt of which warrant, together with the proofs on which the same was granted, and not otherwise, the clerk of the general or of the county court, (as the case may require,) shall issue such attachment or attachments, in which there shall be the same clause of *scire facias* as by the act to which this is a supplement is directed to be inserted in attachments awarded by either of the said courts, and the like process and proceedings shall and may be had thereon as are required and prescribed by the said act upon attachments awarded as aforesaid,

II. And be it enacted, That the oath or affirmation of such creditor, made as aforesaid before a judge of any other of the United States, shall not be good and sufficient evidence, unless there be thereto annexed a certificate of the clerk of the court of which he is a judge, or certificate of the governor, chief magistrate or notary public, of such state, that the said judge hath authority to administer such oath or affirmation.

Oath of creditor not good, &c.

III. And be it enacted, That upon the issuing of every attachment as aforesaid, there shall be therewith issued a writ of *capias ad respondendum* against the defendant, and a declaration or short note, expressing the plaintiff's cause of action, shall moreover be filed, and a copy thereof shall be sent with the writ, to be set up at the court-house door by the sheriff.

Provision in cases of attachments issuing, &c.

IV. And be it enacted, That to every attachment issued in pursuance of this act the garnishee may plead in behalf of the defendant such plea or pleas as the said defendant might or could do if he had been taken by the sheriff under the writ of *capias ad respondendum* issued as aforesaid, and had accordingly appeared to the same.

Garnishee may plead, &c.

V. And be it enacted, That in all cases of attachments it shall and may be lawful for the plaintiff to exhibit interrogatories, in writing, to the garnishee aforesaid, who shall, by rule of court, answer each and every of the interrogatories aforesaid, touching or concerning the property of the defendant in his possession or charge, or by him due or owing, at the time of serving of such writ of attachment, or at any other time, and if such garnishee shall neglect or refuse so to do, the court are hereby directed to adjudge that such garnishee hath in his possession property of the defendant, or is indebted to such defendant, to an amount and value sufficient to pay the debt, damages and interest, of said plaintiff, and costs, and execution shall issue as in other cases of condemnation in the hands of garnishees.

Plaintiff may exhibit interrogatories, &c.

VI. And be it enacted, That if any plaintiff in any writ of attachment, or any person for him, shall make oath or affirmation, that he verily believes that the person against whom such writ of attachment shall be directed to be served as garnishee hath property belonging to the defendant in his hands and possession, or under his care, or is indebted to the defendant in any sum of money, although the same shall not then be due, and that he verily believes that he has just cause to fear that such person is about to depart and remove from the county where he resides, it shall be lawful for the clerk of the court where such writ of attachment issues, on the affidavit being filed, to cause to be inserted in the body of such attachment a clause of *capias ad respondendum* against such person as garnishee, pursuant to the nature of the plaintiff's claim, and he shall be held to sufficient bail to appear at court, and to make answers as by this act is directed, and further, to render his body to prison, or pay the condemnation money, if judgment shall pass against him.

On oath of plaintiff, a clause to be inserted, &c.

C H A P. LVII.

A Supplement to the act, entitled, An act to streighten and amend the public roads in Harford county, and for other purposes.

Passed December 24.

BE it enacted, by the General Assembly of Maryland, That the road from the Little falls of Gunpowder to Baltimore-town, in continuation of the road from Belle-Air, in Harford county, to the said falls, directed to be laid

Road to be laid out, &c.