teste out of term,) to be that the process, which has not an award upon the roll by which the amendment may be made, is not amendable. How-
240 ever, a misnomer *in a *ca. sa.*, by changing the defendant's name from Edward to Edmund, was amended after it was executed by the record of the judgment, Browne v. Hammond, Barnes, 10, and the return of a similar writ was amended according to the proper style of the Court from which it was issued, Hunt v. Kendrick, 2 W. Black. 836, and see cases there cited, and in Mackie v. Smith, 4 Taunt. 322, a *ca. sa.*, issued against the defendant "to satisfy *James* the debt awarded to *John*," was amended after execution. So in Laroche v. Washbrough, 2 T. R. 737, a writ of execution was amended in the statement of the sums recovered by the judgment, and see Stevenson v. Castle, 1 Chit. 439; Tidd Prac. 999, 1020, 1028. And in Bicknell v. Wetherell, 1 Q. B. 914, a *ca. sa.*, reciting erroneously damages recovered in *assumpsit* instead of in *debt*, was amended *after the return*, under this Statute. It has been held, however, that where the rights of third persons, as Assignees in bankruptcy, have intervened, the amendment is too late, Hunt v. Pasman, 4 M. & S. 329; Brooks v. Hodson, 7 Man. & G. 529.

These cases are authority here.[23] But the Court of Appeals has determined that an error in the issuing of a *fi. fa.*, which was not the misprision of the clerk, is not amendable, Trail v. Snouffer, 6 Md. 308, and therefore in that case it was held, that a writ of *fi. fa.* issued in the name of the legal plaintiff was properly quashed when he was dead at the time it was issued, and that the objection was properly taken by motion to quash the writ at its return, and see Eakle v. Smith, 24 Md. 339, where the subject was much discussed at the bar. Void process, however, or defective process is not amendable, see West v. Hughes, 1 H. & J. 8; Turner v. Walker, 3 G. & J. 377; and this is agreeable to the resolution in Hatley's case cited above.

Amendment of sheriff's return to writ of execution.—Mere mistakes too are amendable in Sheriff's returns to writs of execution as to mesne process, but *no* return is not helped by this Statute, see Tidd Prac. *supra.* In this State, where the Sheriff sells land, he is required to schedule and appraise it, and the title of the purchaser may depend upon the exactness with which this duty is performed, and it has accordingly been held in a number of cases that land taken under a *fi. fa.* must be specifically, or at least certainly, described, else the return may be quashed on motion; and an insufficient statement of the levy by the Sheriff will pass no title to the purchaser, just as an uncertain description of the property in a deed will make the deed void, see Williams v. Perkins, 1 H. & J. 449; Fitzhugh v. Hellen, 3 H. & J. 206; Fenwick v. Floyd, 1 H. & G. 172; Dorsey's lessee v. Dorsey, 28 Md. 388; Thomas' lessee v. Turvey, 1 H. & G. 435; Clark v. Belmear, 1 G. & J. 443; Hammond v. Norris, 2 H. & J. 147; Dorsey v. Way-

---

[23] A writ of execution being a judicial process, there is an inherent power in the court to amend and correct it so as to make it conform to the record. Hall v. Clagett, 63 Md. 57, 64; First Bank v. Weckler, 52 Md. 30; Post v. Bowen, 35 Md. 232.