

properly indexed; said judgments shall be liens from the date of such recording; the said clerk shall enter any of said judgments satisfied upon the order in writing of the plaintiff or his attorney and shall file such order in his office.

See notes to sec. 40.

1904, art. 52, sec. 40. 1888, art. 52, sec. 38. 1868, ch. 443. 1888, ch. 235.

42. No sale of any real or leasehold property under any execution issued by any justice of the peace shall be valid; but when the plaintiff desires execution against such property of the defendant, the clerk of the court where the judgment is recorded shall issue such execution to the sheriff, to be proceeded with by him as in other executions directed to him.

See notes to sec. 40.

Attachments.

Ibid. sec. 41. 1888, art. 52, sec. 39. 1860, art. 51, sec. 39. 1849, ch. 269, sec. 1. 1852, ch. 276, sec. 2.

43. Any person making the affidavit and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court against a non-resident or absconding debtor may have an attachment issued by a justice of the peace against such debtor, if the cause of action does not exceed one hundred dollars.

Cited but not construed in *Weed v. Lewis*, 80 Md. 128.

See sections 6 and 71 and notes.

See art. 9, sections 31, 32 and 43.

Ibid. sec. 42. 1888, art. 52, sec. 40. 1860, art. 51, sec. 40. 1849, ch. 269, sec. 1.

44. Such attachment shall be returnable before the justice who issued the same upon a day certain to be named therein, not less than twenty nor more than thirty days from the date of the issuing thereof.

Ibid. sec. 43. 1888, art. 52, sec. 41. 1860, art. 51, sec. 41. 1849, ch. 269, sec. 1.

45. The plaintiff, at the time of issuing the attachment, shall give notice by setting up at three or more of the most public places in the election district or ward in which such attachment may issue, at least ten days before the return day thereof, an affidavit of the truth of his claim, together with a copy of such claim, and also a copy of such attachment.

The decision in *Campbell v. Webb*, 11 Md. 480, to the effect that the short-note was essential and the notice prescribed by the act of 1849, ch. 269, was no longer required, is not now law by reason of the omission from the code of 1860 and subsequent codes of the act of 1852, ch. 239, thus leaving the former act still in force.

Ibid. sec. 44. 1888, art. 52, sec. 42. 1860, art. 51, sec. 42. 1849, ch. 269, sec. 1.

46. If the defendant or the garnishee in whose hands property may be attached shall not show cause to the contrary, the justice may condemn such property; provided, he is satisfied by the oath of the plaintiff or by other proof that the notice required above has been given.

Cited but not construed in *Weed v. Lewis*, 80 Md. 129.