

and not otherwise, by proof of his debt, and also of the amount of the assets of the defendant in the hands of the garnishee properly subject to attachment; and no judgment of condemnation *nisi* shall be made absolute without such proof; provided, that in all cases in which a garnishee has been summoned, at any time after the return of the writ, the plaintiff may file interrogatories in the cause, which shall be served by the sheriff upon the garnishee within ten days thereafter; or, if the garnishee shall be a non-resident of the State, shall be served upon the garnishee by some person to be appointed by the court in which the case is pending; and if the garnishee shall fail to answer said interrogatories within twenty days after the service of the interrogatories upon him, then, upon proof of such service, the plaintiff shall be entitled to judgment against the garnishee for the amount of the claim of the plaintiff for which the attachment was issued.

The language, "No judgment of condemnation *nisi* shall be made absolute without such proof." relates only to judgments against garnishees. This section aims to protect garnishees and has no bearing upon property attached as per schedule. *Western Bank v. Union Bank*, 91 Md. 624.

Where the judgment of condemnation is erroneously entered for an amount greater than that claimed in the writ, a *remittitur* may be entered. *Post v. Bowen*, 35 Md. 232.

The plaintiff may waive a failure of the garnishee to answer the interrogatories by consenting to a continuance of the case. *Lafin v. B. & O. R. R. Co.*, 63 Md. 80. And see notes to section 15.

As to the garnishee's answer to the interrogatories and exceptions thereto, see Rule 13 of the common law courts of Baltimore city.

This section referred to in construing sections 10 and 35—see notes thereto. *Harris v. Balk*, 198 U. S. 215.

1904, art. 9, sec. 14. 1888, art. 9, sec. 14. 1860, art. 10, sec. 15.  
1795, ch. 56, sec. 4. 1900, ch. 138.

14. The garnishee in every attachment issued in pursuance of the preceding section may plead in behalf of the defendant any plea or pleas which the defendant might or could plead if the summons had been served upon him and he had appeared, or the garnishee may pay the amount of money in his hands into court, to be awarded to the party having a legal right to the same.

The garnishee cannot be compelled to plead in behalf of the defendant, but if he does so, he is liable for costs. A garnishee may have an unauthorized appearance of an attorney for him stricken out. *Albert v. Albert*, 78 Md. 338.

When the defendant appears, he may plead for himself, and is not affected by any plea of the garnishee in his behalf. *Spear v. Griffin*, 23 Md. 431.

If the garnishee wishes to stop interest, he must pay the money in his hands into court. *Chase v. Manhardt*, 1 Bl. 342.

Neither the garnishee nor the judgment debtor will be permitted to re-open and re-try issues once determined between the parties in a judgment from which no appeal has been taken. An attachment upon such judgment does not destroy its finality nor open for review the matters determined between the parties. *Farley v. Colver*, 113 Md. 384.

*Ibid.* sec. 15. 1888, art. 9, sec. 15. 1860, art. 10, sec. 16. 1795, ch. 56, sec. 5.

15. In all cases of attachment, whether upon warrant, judgment or decree, the plaintiff may exhibit interrogatories in writing to the garnishee, who shall by rule of court answer each and every of said interrogatories touching or concerning the property of the defendant in his possession or charge, or by him due or owing at the time of