

While an attachment under this section has some of the attributes of an execution, it has also, especially as against the garnishee, many qualities of mesne process. The mere laying of the attachment creates an inchoate lien, which can be perfected only by a judgment of condemnation. *Rhodes v. Amsinck*, 38 Md. 355.

An attachment on judgment is governed by the same rules as an execution and may be issued by a court entering judgment on appeal from a justice of the peace. *Griffith v. The Aetna, etc., Co.*, 7 Md. 102; *First National Bank v. Jagers*, 31 Md. 48.

An attachment on judgment does not come under the clause of the bankrupt law making invalid all attachments on mesne process within four months. *First National Bank v. Jagers*, 31 Md. 48.

Where there is a stay of execution, an attachment on judgment cannot be issued until such stay expires. *Goldsborough v. Green*, 32 Md. 91.

An attachment on a judgment of the circuit court of one county, cannot issue out of the circuit court for another county, unless there is a transcript of the judgment first filed in the latter court. *Harden v. Moore*, 7 H. & J. 4.

As to attachments by the state against a debtor or his securities, see art. 81, sec. 81.

1904, art. 9, sec. 30. 1888, art. 9, sec. 29. 1860, art. 10, sec. 31. 1715, ch. 40, sec. 7.

**30.** If neither the defendant nor the garnishee in whose hands such property or credits were attached, shall appear at the return of the attachment and show sufficient cause to the contrary, the court shall condemn the said property and credits so attached, as provided in section 13 of this article, and award execution thereof.

The execution may issue as soon as the judgment of condemnation becomes absolute, without giving bond. *Anderson v. Graff*, 41 Md. 607.

*Ibid.* sec. 31. 1888, art. 9, sec. 30. 1860, art. 10, sec. 34. 1853, ch. 201, sec. 1.

**31.** The several justices of the peace of this State may issue an attachment by way of execution, on any judgment obtained before any justice of the peace in all cases where a writ of *feri facias* might issue.

See notes to sec. 29.

See art. 52, sec. 43, *et seq.*; also, art. 52, sec. 71.

#### **Attachments by Justices Against Non-Resident or Absconding Debtors.**

*Ibid.* sec. 32. 1888, art. 9, sec. 31. 1860, art. 10, sec. 35. 1835, ch. 201, sec. 14. 1849, ch. 269. 1852, ch. 239, secs. 1, 2.

**32.** Any justice of the peace may issue an attachment against a non-resident or absconding debtor, where the sum claimed shall not exceed one hundred dollars, but no special pleading shall be required before a justice of the peace.

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.

See art. 52, sec. 43, *et seq.*; also, art. 52, sec. 71.

#### **Attachments of Wages or Hire.**

*Ibid.* sec. 33. 1888, art. 9, sec. 32. 1860, art. 10, sec. 36. 1852, ch. 340. 1854, ch. 23. 1874, ch. 45. 1886, ch. 65.

**33.** No attachments of the wages or hire of any laborer or employee, in the hands of the employer, whether private individuals or bodies