

Under this section and sec 15, the garnishee cannot be required to answer interrogatories under oath. Question as to whether the answers to interrogatories signed only by the attorney for the garnishee are sufficient, not passed on. The court may (in view of sec. 28) permit the garnishee to sign and file answers to interrogatories after the time allowed by this section, when, within such time, answers have been filed signed for him by his attorney. Interrogatories fully answered. *Wilmer v. Mann*, 121 Md. 243.

This section has no application where designated chattels are attached and sought to be condemned. *West v. Wood Company*, 140 Md. 520.

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; *De Bearn v. De Bearn*, 119 Md. 422.

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 sec. 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 secs. 10 and 35—see notes thereto. *Harris v. Balk*, 198 U. S. 215.

An. Code, sec. 14. 1904, sec. 14. 1888, sec. 14. 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.

An. Code, sec. 15. 1904, sec. 15. 1888, sec. 15. 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 serving such attachment, or at any other time; and if such garnishee shall neglect or refuse so to do, as provided in section 13, the court is 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, damage and interest of said plaintiff and costs, and execution shall issue as in other cases of condemnation in the hands of garnishees.

The failure to answer the interrogatories may be waived. *Boyd v. C. & O. etc., Co.*, 17 Md. 211. And see *Lafin v. B. & O. R. R. Co.*, 63 Md. 80.