

Amendments.

An. Code, sec. 28. 1904, sec. 28. 1888, sec. 27. 1845, ch. 54. 1846, ch. 324-328.
1888, ch. 507. 1898, ch. 44.

28. The affidavit, short note, declaration, voucher, pleadings, interrogatories, claim of property and all other papers in attachment proceedings may be amended in the same manner and to the same extent as the proceedings in any other suits or actions at law, so that all attachment cases may be tried on their real merits and the purposes of justice subserved; nor shall any attachment proceedings be quashed or set aside for any defect in mere matter of form.

The voucher may be amended; no appeal from an order of court allowing such amendment. *Booth v. Calahan*, 97 Md. 317; *Kendrick v. Warren*, 110 Md. 74. And see *De Bearn v. De Bearn*, 119 Md. 429; *Sugar Products Co. v. Kitzmiller*, 137 Md. 652.

Prior to the act of 1898, ch. 44, the affidavit could not be amended in any substantial particular. *Blair v. Winston*, 84 Md. 361; *Halley v. Jackson*, 48 Md. 260.

The sheriff's return may be amended. *O'Connell v. Ackerman*, 62 Md. 341; *Maine v. Lynch*, 54 Md. 668.

The declaration in the short-note case may be amended. *De Bebian v. Gola*, 64 Md. 266. See also *Neptune, etc., Co. v. Montell*, 8 Gill, 228.

This section applied in construing art. 9, sec. 38—see notes thereto. *Bonn v. Linders*, 116 Md. 56.

See notes to secs. 13 and 19.

As to amendments in actions at law, see also art. 75, sec. 39, *et seq.*

Attachments on Judgments and Decrees.

An. Code, sec. 29. 1904, sec. 29. 1888, sec. 28. 1715, ch. 40, secs. 3-7. 1831, ch. 321, sec. 4.
1834, ch. 189. 1853, ch. 375. 1888, ch. 507.

29. Any plaintiff having a judgment or decree in any court of law or equity in this State may, instead of any other execution, issue an attachment against the lands, tenements, goods, chattels and credits of the defendant in the plaintiff's own hands, or in the hands of any other person, which attachment shall contain the clause of *scire facias* required in an attachment against a non-resident or absconding debtor. Whenever such attachment shall be issued upon a decree of a court of equity, such court shall have authority and jurisdiction to hear and determine any question that may arise upon such attachment as fully as the same could be heard and determined by any court of law, subject to the right of appeal to the court of appeals as in other cases; but if any party to such attachment shall pray a jury trial at any time before such attachment case shall be determined by said court of equity, such attachment proceedings shall be transmitted to a court of law, to be tried as in cases of attachment on judgment.

Omission of scire facias.

The omission of the clause of *scire facias* is fatal to the attachment if raised at the proper time, but it cannot be inquired into collaterally. *Manton v. Hoyt*, 43 Md. 264; *Johnson v. Lemmon*, 37 Md. 343.

The point of the omission of the *scire facias* can be made only at the term at which the judgment of condemnation was entered. *Anderson v. Graff*, 41 Md. 606.

Generally.

The judgment should be described in the writ of attachment as having been entered during the term in which the motion for new trial was disposed of, and not when the verdict was entered. *First National Bank v. Weckler*, 52 Md. 38.