

An. Code, 1924, sec. 44. 1912, sec. 42. 1904, sec. 40. 1888, sec. 38. 1868, ch. 443.
1888, ch. 235.

46. 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.

Cited in holding that Court can strike out recorded magistrate's judgment. *Yealdhall v. Maskol* (Judge Dennis, Balto. Superior Ct.), Daily Record, Feb. 14, 1940.
See notes to sec. 44.

Attachments.

An. Code, 1924, sec. 45. 1912, sec. 43. 1904, sec. 41. 1888, sec. 39. 1849, ch. 269, sec. 1.
1852, ch. 276, sec. 2.

47. 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 secs. 7 and 76 and notes. See art. 9, secs. 31, 32 and 43.

An. Code, 1924, sec. 46. 1912, sec. 44. 1904, sec. 42. 1888, sec. 40. 1849, ch. 269, sec. 1.

48. 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.

An. Code, 1924, sec. 47. 1912, sec. 45. 1904, sec. 43. 1888, sec. 41. 1849, ch. 269, sec. 1.
1914, ch. 337.

49. There shall be issued with every attachment a writ of summons against the defendant and at the time of issuing the attachment, notice thereof shall be given by setting up at three or more 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 the particulars of the plaintiff's claim, together with a copy of such claim and also a copy of such attachment.

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

An. Code, 1924, sec. 48. 1912, sec. 46. 1904, sec. 44. 1888, sec. 42. 1849, ch. 269, sec. 1.

50. 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.

An. Code, 1924, sec. 49. 1912, sec. 47. 1904, sec. 45. 1888, sec. 43. 1849, ch. 269, sec. 2.
1929, ch. 404.

51. The plaintiff in an attachment, before execution on any judgment of condemnation shall be issued, shall give bond to the defendant in such penalty as the justice of the peace shall direct, not less than double the amount of the judgment of condemnation, with good and sufficient security to be approved by the said justice and conditioned to make restitution of