

An income bequeathed for the support of the testator's son and his family. "But my will is that my said son shall have no power to charge, encumber or anticipate the said income." *Jackson Sq., etc., Assn. v. Bartlett*, 95 Md. 661.

Where, however, the income from property is left in trust for L. for life, "The said share to be securely invested as soon as declared, and after her death to be equally divided between her children," such income is liable to attachment. *Baker v. Keiser*, 75 Md. 332.

Property in the hands of an insolvent trustee.

After the conveyance of property to a trustee under our insolvent laws, a non-resident creditor, like a resident creditor, cannot attach. *Pinckney v. Lanahan*, 62 Md. 447 (overruling early cases to the contrary).

Where property is attached in the hands of a conventional trustee, and just after the attachment the defendant goes into insolvency, the further prosecution of the attachment is stopped, but the inchoate lien acquired by the plaintiff in the attachment is transferred to the property in the hands of the insolvent trustee, and will be respected by the insolvent court. *Buschman v. Hanna*, 72 Md. 1. See also *Thomas v. Brown*, 67 Md. 517; *Lynch v. Roberts*, 57 Md. 150.

But the insolvent trustee may intervene in the attachment case and move to quash. *Palmer v. Hughes*, 84 Md. 657.

Where defendant in attachment goes into bankruptcy.

Funds in the hands of a trustee in bankruptcy are not subject to attachment. *Newman v. Fisher*, 37 Md. 262.

While under the bankrupt law an attachment within four months prior to the bankrupt proceedings is void, the attachment is valid if laid prior to such period. *Franklin v. Claffin*, 49 Md. 46. See also *Lewis v. Higgins*, 52 Md. 617.

If the attachment is prosecuted to final judgment before the bankrupt proceedings are begun, the attachment cannot be attacked collaterally, even though sued out within the four months' period. *Henkleman v. Smith*, 42 Md. 177 (based on the bankruptcy act of 1867).

As to pleading the pendency of bankruptcy proceedings in the short-note and attachment cases, see *Lewis v. Higgins*, 52 Md. 614.

And see notes to sec. 19.

Property in custodia legis.

While property in the custody of the law cannot be attached, a second attachment, if directed to the same officer, may be levied on the same property to effect any surplus not exhausted by the first attachment. *Ginsberg v. Pohl*, 35 Md. 507.

Money paid into court.

Money paid into court under an order to that effect cannot be attached. *Mattingly v. Grimes*, 48 Md. 105.

And this is true even after an audit ascertaining just what is due the debtor, and after the clerk has been directed to pay it out accordingly. *Dale v. Brumley*, 98 Md. 468.

Funds in the hands of public officers.

Funds in the hands of a public officer cannot be attached. *Wilson v. Ridgely*, 46 Md. 247 (county treasurer); *Dale v. Brumley*, 98 Md. 471 (court clerk).

Funds in the hands of an officer of a municipal corporation are not liable to attachment. *Baltimore v. Root*, 8 Md. 100. And see *Phillips v. Baltimore*, 110 Md. 440.

But if the incumbent's term of office has expired, an attachment will lie. *Robertson v. Beall*, 10 Md. 129.

Prior appropriation by garnishee.

Where money is deposited by A. with B. for use of C., a creditor of A. may attach it unless there is some kind of privity of contract between B. and C. *Nicholson v. Crook*, 56 Md. 55.

An order by the defendant on the garnishee directing him to pay money in his hands to a third party, defeats an attachment against the defendant, if prior to the attachment being laid in his hands the garnishee has accepted the order or agreed to such appropriation of the fund. *Wilson v. Carson*, 12 Md. 54.

The liability of a garnishee depends on the state of accounts between him and the defendant. If by a contract antedating the attachment, the garnishee agreed to and did pay certain debts due by the defendant (consuming all the money in his hands), the attachment must fail. *Troxall v. Applegarth*, 24 Md. 163; *B. & O. R. R. Co. v. Wheeler*, 18 Md. 378. And see *Farley v. Colver*, 113 Md. 385.

A garnishee has a right to appropriate funds in his hands to a debt due him by the defendant, and hence an attachment against the defendant laid in the garnishee's hands under such circumstances, must fail. *Peters v. Cunningham*, 10 Md. 558.

And this is true, though the debt due the garnishee by the defendant is not matured when the attachment is laid, provided it matures before trial. But such right of