

by virtue of two *non ests* returned prior to the amendment. *Steuart v. Chappell*, 100 Md. 538.

A non-resident may be proceeded against under this section. *Steuart v. Chappell*, 98 Md. 530; *Barney v. Patterson*, 6 H. & J. 199.

A variance between the account filed at the time of issuing the attachment and that filed with the original declaration, is immaterial. *Steuart v. Chappell*, 98 Md. 530.

The lapse of a term between the award of the attachment and its issue, though an irregularity, is not fatal. An attachment under this section may be sued out of the United States circuit court in the name of the United States. *Boarman v. Patterson*, 6 H. & J. 182.

Attachments Against Adult Non-Resident Heirs and Devisees.

An. Code, 1924, sec. 26. 1912, sec. 26. 1904, sec. 26. 1888, sec. 25. 1794, ch. 54, sec. 7.

26. If any person of full age residing out of this State, is entitled by descent or devise to any lands or tenements lying in this State, and the person from whom such lands descended or by whom the same were devised was indebted to any person, the court in which any suit against such heir or devisee may be instituted may award an attachment against the lands and tenements of such heir or devisee, held by descent or devise from the person so indebted, in the same manner and to have the same effect as attachments awarded against other persons residing out of the State.

See notes to sec. 36.

Sales of Attached Property.

An. Code, 1924, sec. 27. 1912, sec. 27. 1904, sec. 27. 1888, sec. 26. 1839, ch. 39, sec. 1. 1876, ch. 254. 1892, ch. 642.

27. Any of the courts of this State in which any attachment suit is pending either on original or appellate jurisdiction, or any judge thereof in vacation, may order a sale of any property which may be levied on by virtue of such attachment whenever the court or judge may deem such sale expedient and for the better promotion of the ends of justice, on such terms and notice as the order may prescribe, and such sale may be ordered before or after the return of the attachment, and the proceeds of such sale after the payment of the expenses incident thereto, shall be paid into court and deposited with the clerk, subject to the order of the court on the final decision of the case.

The proceeds of sale remain subject to all liens and claims precisely as the property was. *Hall v. Richardson*, 16 Md. 410; *O'Brien v. Norris*, 16 Md. 130.

Cited but not construed in *Turner v. Lyttle*, 59 Md. 206.

This section referred to in construing sec. 46. See notes thereto. *Sanitary Grocery Co. v. Soper*, 146 Md. 134.

Amendments.

An. Code, 1924, sec. 28. 1912, sec. 28. 1904, sec. 28. 1888, sec. 27. 1845, ch. 54. 1846, chs. 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.