

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.

Omission of formal reference to declaration in affidavit may be supplied by amendment. Bond may be amended. *Gill v. Physicians', etc., Bldg.*, 153 Md. 400.

This section referred to in holding defects in proceedings waived by agreement filed in attachment case. *Union Trust Co. v. Biggs*, 153 Md. 58.

Declaration in attachment case may be amended by increasing the *ad damnum* clause. *Lanasa v. Beggs*, 159 Md. 314.

Cited but not construed in *Baltimore v. Libowitz*, 159 Md. 32; *Obrecht v. Ensor*, 162 Md. 396; *Engle v. Fidelity & Guaranty Co.*, 175 Md. 185.

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, 1924, sec. 29. 1912, 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.

An attachment on judgment is considered as an execution and governed by the same principles. See notes to art. 5, sec. 2. *Sharpless Separator Co. v. Brillhart*, 129 Md. 86.

While an attachment under this section has some of the attributes of an execution, it has also, especially as against the garnishee, many qualities of mesne process. The mere laying of the attachment creates an inchoate lien, which can be perfected only by a judgment of condemnation. *Rhodes v. Amsinck*, 38 Md. 355.

An attachment on judgment is governed by the same rules as an execution and may be issued by a court entering judgment on appeal from a justice of the peace. *Griffith v. The Aetna, etc., Co.*, 7 Md. 102; *First National Bank v. Jagers*, 31 Md. 48.

An attachment on judgment does not come under the clause of the bankrupt law making invalid all attachments on mesne process within four months. *First National Bank v. Jagers*, 31 Md. 48.

Where there is a stay of execution, an attachment on judgment cannot be issued until such stay expires. *Goldsborough v. Green*, 32 Md. 91.

An attachment on a judgment of the circuit court of one county, cannot issue out of the circuit court for another county, unless there is a transcript of the judgment first filed in the latter court. *Harden v. Moore*, 7 H. & J. 4.

Judgment creditor must prove liability of garnishee existed when writ issued or case tried, to have issue of fact submitted to jury. Purpose of attachment. *Cueva Co. v. Williams*, 145 Md. 530.