

"Employee" includes one employed on monthly salary. Monthly allowance of fixed amount for traveling expense is part of "wages" within this section. *Shriver v. Carlin & Fulton Co.*, 155 Md. 55.

Act of 1929, ch. 265, excepting judgments for food supplies for household use from this section, is unconstitutional. *Kelman v. Ryan*, 163 Md. 519.

The exemption from attachment of wages granted by this section may be waived by the employee. *Lawrence v. Commercial Banking Corp.*, 165 Md. 559.

For exemption from execution in civil proceedings, see art. 83, sec. 8.

Where a man is paid five per cent of the cost of erecting a building for his services in superintending the work, etc., he is an employee, and money due him comes within the exemption of this section. *Moore v. Heaney*, 14 Md. 558; *Wilmer v. Mann*, 121 Md. 245.

Where money is in bank in the name of an insurance company for which the defendant is agent, but which money is proved at the trial to belong to the agent, such money is not exempt under this section. *First National Bank v. Jagers*, 31 Md. 52.

The construction of the word "employee" as used in this section contrasted with the construction of such word as used in art. 47, sec. 15—see notes thereto. *Roberts v. Edie*, 85 Md. 186.

This section applied. *Wilmer v. Epstein*, 116 Md. 146.

The law prior to 1874 and the act of 1874, ch. 45, must be construed *in pari materia*—the latter has no retroactive effect. *Shryock v. B. & O. R. R. Co.*, 56 Md. 521; *House v. B. & O. R. R. Co.*, 48 Md. 130; *Wilmer v. Mann*, 121 Md. 245.

For a construction of this section prior to the act of 1886, ch. 65, see *First National Bank v. Weckler*, 52 Md. 39.

As to the assignment of wages, see art. 8, sec. 11, *et seq.*

An. Code, 1924, sec. 34. 1912, sec. 34. 1904, sec. 34. 1888, sec. 33. 1874, ch. 230.

34. The wages or hire of any person or persons, not residing in this State, shall be subject to attachment upon judgment, warrant or upon two *non ests*, in the same manner and to no larger extent than the wages or hire of any person or persons, resident in this State.

Judgment Pleadable by Garnishee Against Defendant.

An. Code, 1924, sec. 35. 1912, sec. 35. 1904, sec. 35. 1888, sec. 34. 1715, ch. 40, secs. 3-7. 1888, ch. 401.

35. Any judgment of condemnation against a garnishee and execution thereon, or payment by such garnishee, shall be sufficient and pleadable in bar in any action brought against him by the defendant in the attachment for or concerning the property or credits so condemned, even though such judgment of condemnation be afterwards reversed or set aside, unless at the time of execution made, or payment, such judgment or execution thereon shall have been stayed according to law.

Where there is a judgment of condemnation by a competent court of the District of Columbia (having jurisdiction), against a Maryland garnishee who pays the judgment, the garnishee may plead such judgment and payment in bar of a suit here by his creditor. *Savin v. Bond*, 57 Md. 228. See also *Taylor v. Phelps*, 1 H. & G. 502; *Williams v. Jones*, 38 Md. 567. And see *Harris v. Balk*, 198 U. S. 215.

The fact that a garnishee consents to a judgment impounding his debt to the principal debtor, he being absolutely without defense, does not make the payment under the judgment voluntary, so as to prevent him from pleading such payment in bar of an action on the debt. Duty of the garnishee to notify the defendant. *Harris v. Balk*, 198 U. S. 215.

The mere pendency of the attachment is not a defense in bar—there must have been a judgment of condemnation and execution. *Cole v. Flitcraft*, 47 Md. 317.

out summons or trial, waive his \$100 wage exemption granted by Statute. It is the sense of the General Assembly that the real legislative intent in the passage of this exemption statute as amended from time to time, was to create a \$100 wage exemption which the laborer or wage earner might not waive, and it is the intent and desire of the General Assembly by the repeal and re-enactment of this exemption statute so to change the wording of this statute that it clearly and unmistakably expresses the intention which the General Assembly believes was sought to be expressed in the passage of the original Act and amendments thereto. It is the sense of the General Assembly that to permit a wage earner to waive this exemption would frequently result in depriving not only the wage earner, but his dependents of the necessities of life, thus rendering him and such dependents a charge upon the community.