

cause why such lands, tenements, goods, chattels or credits so attached should not be condemned and execution thereof had and made as in other cases of recoveries and judgments given in courts of record.

Davidson v. Beatty, 3 H. & McH. 615. Fitzhugh v. Hellen, 3 H. & J. 206. Barney v. Patterson, 6 H. & J. 201. Clarke v. Belmear, 1 G. & J. 443. Stone v. Magruder, 10 G. & J. 386. Van Brunt v. Pike, 4 Gill, 271. McCoy v. Boyle, 10 Md. 396. Berry v. Mathews, 13 Md. 558. Freidenrich v. Moore, 24 Md. 296. Johnson v. Lemmon, 37 Md. 336. Farmers Bank v. Brooke, 40 Md. 258. Manton v. Hoyt, 43 Md. 254. Corner v. Mackintosh, 48 Md. 387.

1888, art. 9, sec. 12. 1860, art. 10, sec. 13. 1715, ch. 40, sec. 3.

**12.** If neither the defendant nor the garnishee in whose hands the property or credits may be attached shall appear at the return of the attachment, the court shall and may condemn the property and credits so attached, as provided in section 13, and award execution thereof; provided, that no such execution shall issue unless the plaintiff give bond or sufficient security before the court awarding the execution to make restitution of the lands, tenements, goods, chattels or credits so as aforesaid condemned, or the value thereof, if the defendant shall at any time within a year and a day—to be accounted from the return of said attachment—appear to the said original action, and make it appear that the claim of the said plaintiff, or some part thereof, is not due to the said plaintiff.

Davidson v. Beatty, 3 H. & McH. 616. Owings v. Norwood's Lessee, 2 H. & J. 96. Boarman v. Israel, 1 Gill, 372. Cockey v. Milne's Lessee, 16 Md. 200. Walters v. Munroe, 17 Md. 506. Graff v. Transp. Co., 18 Md. 364. Dawson v. Contee, 22 Md. 28. Mears v. Adreon, 31 Md. 235. C. S. & L. Co. v. Kerngood, 51 Md. 416. Lee v. C. S. & L. Co., 58 Md. 302. Johnson v. Foran, 59 Md. 461.

Ibid sec. 13. 1860, art. 10, sec. 14. 1715, ch. 40, sec. 4. 1880, ch. 28.

**13.** No sheriff or other officer shall levy by way of execution against the garnishee more than the plaintiff's debt and cost, nor more than what the said plaintiff shall make appear to be the value of the property and credits attached in the hands of such garnishee, together with such costs only as the garnishee shall put the plaintiff to by denying himself to be indebted to the defendant, and contesting the same; and upon any judgment of condemnation *nisi* against any garnishee for want of appearance or plea, the plaintiff shall be at liberty to proceed and prove his case in the same manner as in any judgment by default *ex parte*, and not otherwise, by proof of his debt, and