

Case No.220.

ALLEN v. CROGHAN.

[5 Cranch, C. C. 517.]¹

Circuit Court, District of Columbia.

Nov. Term, 1838.

JUDGMENT—EXECUTION—GARNISHMENT—INTEREST.

When the judgment against the principal is for a larger sum than the real debt, to be released on payment of the real debt, with interest until paid, upon which judgment an attachment is issued by way of execution, under the Maryland act of 1715, c. 40, § 8, and judgment of condemnation is rendered of the effects in the hands of the garnishee, and execution is issued thereupon, the marshal may levy the whole debt and interest to the time of payment, if there are effects of the principal to that amount in the hands of the garnishee.

This was an attachment issued by way of execution under the Maryland act of 1715, c. 40, § 8, to condemn the effects of Isaac S. Nicholls, in the hands of George Croghan, his garnishee, upon a judgment obtained against Nicholls for \$1,000, damages and costs, to be released on the payment of \$560, with interest thereon from the 7th of April, 1832, until paid.

Judgment of condemnation having been obtained, Mr. C. Cox, for the garnishee, contended that the marshal could not levy interest upon the debt accruing after the day upon which the judgment of condemnation was entered up.

But THE COURT decided and said, that as the original judgment was for a larger amount than the real debt. to be released upon payment of the real debt, with interest from a certain day until paid, the interest may be levied up to the day of payment, if there are sufficient effects in the hands of the garnishee.

¹ [Reported by Hon. William Cranch, Chief Judge.]