

1904, art. 52, sec. 45. 1888, art. 52, sec. 43. 1860, art. 51, sec. 43.
1849, ch. 269, sec. 2.

47. The plaintiff in an attachment, before execution on any judgment of condemnation shall be issued, shall give bond to the defendant in such penalty as the justice of the peace shall direct, not less than double the amount of the judgment of condemnation, with good and sufficient security to be approved by the said justice and conditioned to make restitution of the property so condemned, or the value thereof, and to pay such damages as may be awarded to the defendant, if the defendant shall at any time within twelve months and a day from the date of issuing the attachment appear, either in person or by his agent, before the justice issuing such attachment, or before some other justice of the same county, and make it appear that the plaintiff has satisfied the said debt, or show that it ought not to be paid, or that the said defendant was not indebted to the plaintiff at the time of issuing said attachment.

This section held to have no application. *Weed v. Lewis*, 80 Md. 129.

Ibid, sec. 46. 1888, art. 52, sec. 44. 1860, art. 51, sec. 44. 1824, ch. 74, sec. 2.
1849, ch. 269, sec. 1.

48. A garnishee in whose hands any such attachment is laid shall have the same rights and be subject to the same liabilities as if such attachment had issued from the circuit court for the county or the superior court of Baltimore city, the court of common pleas or the Baltimore city court; but to avail himself of his rights he must appear at the return of the attachment; and he shall not have the four days thereafter for his appearance allowed in said courts.

Cited but not construed in *Weed v. Lewis*, 80 Md. 129

Ibid, sec. 47. 1888, art. 52, sec. 45. 1868, ch. 447.

49. Every justice of the peace may issue an attachment in any of the cases mentioned in section 36 of article 9, where the sum claimed shall not exceed one hundred dollars, upon the party applying for the same making before the justice the affidavit, and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court or the superior court of Baltimore city, the court of common pleas or the Baltimore city court in such cases, and giving bond with security to be approved by said justice in double the sum alleged to be due, and conditioned as provided in section 39 of said article, except such changes of language as may be necessary to make the same applicable to a proceeding before a justice of the peace; and such attachment shall be returnable before the justice who issued it on a day certain to be named therein, not less than twenty nor more than thirty days from the date of issuing it; and the plaintiff shall give notice of the issuing of such attachment in the same manner as in case of attachment before a justice against non-resident or absconding debtors; and a writ of summons shall also be issued with such attachment as is usual in cases of debt before a justice, and the pro-