

Practice under this section. The burden is upon the claimant to establish his claim to the property involved; hence the case at bar could not, at the instance of of the claimant, have been withdrawn from the jury. When only peremptory instruction may be granted. *Lemp Brewing Co. v. Mantz*, 120 Md. 185.

The proper way to test the *bona fides* of an assignment of a debt where the debt has been attached in the creditor's hands, is for the assignee to intervene as claimant. *Fetterhoff v. Sheridan*, 94 Md. 452.

A claimant of rights, credits or moneys who proceeds under the practice existing prior to this section, has the same right to intervene that a claimant of specific goods has. This section does not repeal any existing law, nor prevent a claimant from proceeding under the former practice. *Kean v. Doerner*, 62 Md. 477.

Under this section, the claimant may recover damages growing out of the taking of his property under the attachment, and it is not necessary that the petition claim damages. *Turner v. Lytle*, 59 Md. 203.

A party claiming to own the attached property may or may not intervene as claimant in the attachment case, as he pleases. *Kilpatrick v. O'Connell*, 62 Md. 411; *Corner v. McIntosh*, 48 Md. 390; *Richardson v. Hall*, 21 Md. 405.

But the claimant loses his right of action against the sheriff for selling his property, if he knows of the attachment and does not intervene. *Trieber v. Blocher*, 10 Md. 14; *Fetterhoff v. Sheridan*, 94 Md. 452.

A claimant may intervene in the attachment case notwithstanding an order of court directing the goods to be sold and the proceeds held subject to the decision of the case, though the proceeds have been paid over to the plaintiff upon his giving bond, and though the claimant may be prosecuting another suit in the same court for the same cause. *Hall v. Richardson*, 16 Md. 396. See also *Albert v. Freas*, 103 Md. 583.

As to the practice prior to this section, and which still may be resorted to, see, in addition, *Howard v. Oppenheimer*, 25 Md. 365; *White v. Solomonsky*, 30 Md. 585; *Clark v. Meixsell*, 29 Md. 228; *Carson v. White*, 6 Gill, 27.

The landlord's lien upon crops reserved as rent is not divested by process of law against the tenant—art. 53, sec. 23.

As to claimants of property taken upon execution by a justice of the peace, see art. 52, secs. 76 and 77.

An. Code, sec. 48. 1904, sec. 48. 1888, sec. 46. 1876, ch. 285. 1888, ch. 507. 1900, ch. 697. 1902, ch. 324.

**48.** The property attached shall be discharged from the levy and surrendered to such claimant upon the filing of a bond by or on behalf of such claimant in a penalty equal to double the value of the property as ascertained by an appraisalment thereof to be made by the sheriff at the time of the levy, to be approved of by the clerk and conditioned for satisfying all costs and such damages not exceeding the real value of the property attached as the plaintiff shall recover in case said claimant shall fail to establish his claim.

In order to avail himself of this section, a claimant must proceed under sec. 47. *Kean v. Doerner*, 62 Md. 478.

But a claimant who does not desire immediate possession of the property, need not give bond in order to proceed under sec. 47. *Albert v. Freas*, 103 Md. 590.

There must be an appraisalment, but the fact that the claimant's bond is in a sum less than that required by this section does not defeat the claimant's case, nor prevent his recovering damages. *Turner v. Lytle*, 59 Md. 205.

And see notes to sec. 39.

An. Code, sec. 49. 1904, sec. 49. 1888, sec. 47. 1876, ch. 285. 1888, ch. 507.

**49.** In case the plaintiff in such attachment is not satisfied with the sufficiency of the surety or sureties in the bond taken under the preceding section, he may at any time before judgment apply to the judge of the court in which the said bond is filed for an order requiring the petitioner to give additional security, notice of which application shall be given to the