

diction where said person may be, or by the sheriff of the jurisdiction where the writ issues; when a writ of attachment is served upon anyone outside of the locality of his place of business or residence, the short note shall be set up at the court house door of the county or city where the writ is served by the officer serving the same, and upon the return of the writ, a duplicate short note shall be sent by the clerk of the court where the writ issues to the sheriff of that city or county to be set up by him at the court house door of said city or county, and the service of any writ and the posting of any short note, wherever a writ of attachment may have been or shall be served and the short note set up in manner as herein provided, shall be valid, and said writs of attachment shall be returned to the courts whence they are issued as other writs are required to be returned.

Attachment must be brought in jurisdiction of garnishee's residence or place of business; garnishment may not be had in one county on suit brought in another. This section not applicable to attachments on judgments or decrees. *Sanitary Grocery Co. v. Soper*, 146 Md. 131.

This section does not apply to attachments on judgments. *Thompson v. Central Metal & Stp Co.*, 158 Md. 188.

Claimants of Property.

An. Code, 1924, sec. 47. 1912, sec. 47. 1904, sec. 47. 1888, sec. 45. 1876, ch. 285.
1888, ch. 507. 1892, ch. 507.

47. Whenever an attachment or execution shall be levied upon any personal property, goods or chattels, which may be claimed by a person or corporation other than the defendant in such attachment or execution, such person or corporation may file a petition, under oath, with the court before whom such attachment or execution is returnable, setting forth clearly the character and origin of his, her or its claim to the property so levied upon, and thereupon it shall be the duty of the clerk to docket a suit against both the plaintiff and defendant in such attachment or execution and issue a summons directed to said plaintiff and defendant, giving notice of such claim and returnable to the next succeeding rule day or term of said court. If such claimant shall establish the validity of his, her or its claim to said property, costs shall be awarded to said claimant, and said claimant shall also be entitled to recover damages in such suit for the wrong and injury done to him, her or it by reason of such seizure and detention of his, her or its property.

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 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; *Gilpin v. Somerville*, 163 Md. 40.

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