

hereafter be brought for wrongfully suing out said attachment, then the above obligation to be void, otherwise to remain in full force and effect. Every attachment issued without a bond and affidavit taken as aforesaid, is hereby declared illegal and void, and shall be dismissed.

38. In all cases where two or more persons are jointly indebted, *Id. s 5* either as partners or otherwise, and an affidavit shall be filed as hereinbefore provided, so as to make one or more of such joint debtors amenable to the process of attachment, then the writ of attachment shall issue against the lands and tenements, goods, chattels, and credits of such as are so brought within the provisions of this law; but the writ of summons shall issue against all the joint defendants, as in other actions against joint defendants.

How attachment and summons to issue in cases of joint indebtedness.

39. In case the defendant is not satisfied with the sufficiency of *Id s 6* the surety or sureties, or any one of them, or with the amount specified in the bond aforesaid, 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 plaintiff to give additional security, notice of which application shall be given to the plaintiff, not less than four days before the same is made; and the said judge, if satisfied, from evidence of the insufficiency of the said bond, may order or require the plaintiff to give an additional bond, with security to be approved of by the court, in such sum and within such time as he may deem proper, and in case the plaintiff shall fail to comply with such order, the said writ of attachment shall be quashed and the property attached, or its proceeds, if the same shall have been sold by order of the court, shall be returned to the defendant.

Additional security from plaintiff

40. The practice and pleadings, under the writ of attachment issued in compliance with the foregoing sections, shall in all other respects, not herein provided for, conform, as near as may be, to the practice and proceedings under writs of attachment against non-resident and absconding debtors.

Id s 7. Practice and pleadings 29 Md 227, 31 Md 492, 85 Md. 294.

CLAIMANTS OF PROPERTY.

41. In all attachments and writs of execution whenever the same shall be levied upon any personal property, goods, or chattels, which are claimed by a person or persons or corporation other than the defendant or defendants in said attachment or writ of execution, such person or persons or corporation may file a petition with the court issuing such attachment or writ of execution, or with the court before whom such attachment or writ of execution is returnable if it be returnable before a court other than the court issuing the same, which petition shall clearly set forth the claim and right to the property so levied upon and be verified by the oath or affirmation of the petitioner or some person in his behalf, and it shall be the duty of the clerk to docket a suit against both the plaintiff and defendant in

1874, c 285 Third party claiming property seized under attachment or execution, how to proceed. 10 Md 22, 16 Md 410, 21 Md. 405, 3 H & McIl 553, 6 G & J. 298