

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. 24.

Burden on claimant to prove ownership (*i. e.*, that attaching creditor had notice of conditional sale contract); court may not direct verdict in favor of claimant. *Motor Car Co. v. First Natl. Bank*, 154 Md. 82.

Claimant may either proceed under this section or move to quash. Motion to quash may be filed without general appearance. Property belonging to State. *Neuman Co. v. Duhadaway*, 154 Md. 597.

A wife, as tenant by entireties with husband, may intervene as claimant of property seized under writ of *fiere facias* issued upon judgment against husband alone. *Haid v. Haid*, 167 Md. 493.

Cited but not construed in *Burton v. Jennings*, 158 Md. 258.

As to claimants of property taken upon execution by a justice of the peace, see art. 52, secs. 78 and 79.

An. Code, 1924, sec. 48. 1912, 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 secs. 39 and 47.

An. Code, 1924, sec. 49. 1912, 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 petitioner not less than five days before the same is made; and the said judge, if satisfied from evidence of the insufficiency of the bond, may order or require the petitioner to give an additional bond within such time as he shall deem proper; and in case of refusal to comply with such order, judgment may be entered against such petitioner to the amount of the real value of the property levied upon, upon which execution may issue as provided by law; and said plaintiff may have an execution against the defendant in the original attachment; provided, that but one satisfaction of the debt or demand shall be made; and it shall be in the discretion of the court in all such cases to dispose of the matter of costs.

This section indicates clearly that the bond required by the preceding section is for the plaintiff's protection. *Turner v. Lytle*, 59 Md. 207.