

A resident may attach property located in Maryland of a non-resident alien enemy. *Hepburn's Case*, 3 Bl. 120.

An Act of Congress exempting a National Bank or its property from attachment before final judgment, is valid. *Chesapeake Bank v. First National Bank*, 40 Md. 269.

1904, art 9, sec. 3. 1888, art. 9, sec. 3. 1860, art. 10, sec. 3. 1795, ch. 56, sec. 1. 1854, ch. 153, sec. 3.

3. Every person who shall actually run away, abscond or fly from justice, or secretly remove himself from his place of abode, with intention to evade the payment of his just debts, or to injure or defraud his creditors, shall be considered as having absconded; and an averment in the oath of the plaintiff against a person as having absconded shall, without other words, be a sufficient averment of any such conduct.

Who is an "absconder"? *Risewick v. Davis*, 19 Md. 94; *Field v. Adreon*, 7 Md. 213; *Stauffer v. Niple*, 40 Md. 477; *McKim v. Odom*, 3 Bl. 428. And see *Marbury v. Brooks*, 7 Wheat. 556.

Ibid, sec. 4. 1888, art. 9, sec. 4. 1860, art. 10, sec. 4. 1795, ch. 56, sec. 1.

4. No attachment shall issue (except as hereinafter mentioned), unless there be an affidavit that the debtor is *bona fide* indebted to the creditor in the sum of—, over and above all discounts; and at the time of making the affidavit, the creditor shall produce the bond, account or other evidences of debt, by which the said debtor is so indebted; and shall also make affidavit that he knows, or is credibly informed and verily believes, that the said debtor is not a citizen of this State, and that he doth not reside therein; or if the said debtor resides in this State, that he doth know, or is credibly informed and verily believes, that the said debtor hath absconded.

THE AFFIDAVIT.

Typographical or inadvertent errors.

A typographical error in the name of the debtor does not vitiate the affidavit. *Foran v. Johnson*, 58 Md. 144.

The omission of the word "Dollars" after the figures showing the amount due in the affidavit is not fatal. *DeBebian v. Gola*, 64 Md. 264.

Where the affidavit is actually made before the clerk, who inadvertently fails to sign the *jurat*, but after service of the writ does sign it, the affidavit is sufficient. *Farrow v. Hayes*, 51 Md. 506

Generally.

The affidavit being made several months prior to the issue of the attachment does not invalidate the procedure. *Hadden v. Linville*, 86 Md. 234.

The plaintiff may have judgment of condemnation for a less sum than he claims in his affidavit. *Jean v. Spurrier*, 35 Md. 116; *White v. Solomonsky*, 30 Md. 589; *Lee v. Tinges*, 7 Md. 215; *Boarman v. Patterson*, 1 Gill, 372; *Dawson v. Brown*, 12 G. & J. 60.

When the plaintiff both swears and affirms, the affidavit is not fatally defective. *Matthews v. Dare*, 20 Md. 265.

The affidavits in the following cases were held to substantially comply with the statute: *Gunby v. Porter*, 80 Md. 402; *Franklin v. Clafin*, 49 Md. 37; *Boarman v. Patterson*, 1 Gill, 380.