

If one of two joint (partnership) debtors is a resident of Baltimore city, the firm may be proceeded against in Baltimore city by an attachment on original process. But the attachment will be quashed unless actual or constructive fraud was committed jointly. *Collier v. Hanna*, 71 Md. 253.

In an attachment against one partner as an absconding debtor, the other partner being summoned, the assets of the firm cannot be condemned on a partnership debt. *Johnston v. Matthews*, 32 Md. 368.

Where an attachment on original process is sued out against a partnership and levied on partnership property, and one of the partners absconds so that the writ cannot be served on him, the remaining partner represents the firm and the attachment is valid. *Thomas v. Brown*, 67 Md. 519.

An attachment levied against partnership property on a debt alleged to be due by the firm, though the judgment of condemnation is entered against one partner only, will be quashed. *Boyd v. Wolf*, 88 Md. 342.

As to joint obligations and tenancies, see art. 50.

An. Code, sec. 41. 1904, sec. 41. 1888, sec. 40. 1860, ch. 306, sec. 6. 1888, ch. 507.

41. In case the defendant, or any other person interested in the proceedings, is not satisfied with the sufficiency of 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 or be otherwise disposed of, as shall be ordered by the court.

See notes to sec. 39.

An. Code, sec. 42. 1904, sec. 42. 1888, sec. 41. 1864, ch. 306, sec. 7.

42. The practice and pleadings under the writ of attachment issued in compliance with sections 36-41 of this article shall, in all other respects not therein provided for, conform, as near as may be, to the practice and proceedings under writs of attachment against non-resident and absconding debtors.

An. Code, sec. 43. 1904, sec. 43. 1888, sec. 42. 1868, ch. 447.

43. Every justice of the peace may issue an attachment in any of the cases mentioned in section 36 of this article, where the sum claimed shall not exceed one hundred dollars, upon the party applying for the same making before the justice the affidavit, and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court in such cases, and giving bond, with security to be approved by said justice, in double the sum alleged to be due, and conditioned as is provided in section 39 of said article, except such changes of language as may be necessary to make the same applicable to a proceeding before a justice of the peace; and such attachment shall be returnable before the justice who