

absconded, shall, without other words, be a sufficient averment of any such conduct.

4. No attachment shall issue (except as hereinafter mentioned), unless there be an affidavit that the debtor is *bonâ 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.

Id s 4
1795, c 56, s 1
The affidavit
25 Md 350, 30
Md 402, 31 Md.
34, 229, 234, 585,
32 Md 363, 34
Md 460, 462, 36
Md 186, 194, 37
Md 491, 38 Md.
487, 555

What to contain
and what evi-
dences of in-
debtedness to
accompany it

5. The affidavit required by the preceding section may be made before any justice of the peace, or any judge of a court of law of this State, or before any judge of a court of record of the United States, or of any State, District, or Territory of the United States, or before a commissioner appointed by the State to take acknowledgments of deeds, or before a notary public, or if out of the United States, before a consul or vice-consul of the United States.

1876, c 112
Before whom
affidavit to be
made.

6. If the affidavit is made in this State, and before a justice of the peace, or judge in any other county than that in which the attachment is to be issued, there shall also be a certificate under the seal of the court from the clerk of the Circuit Court of the county in which it is made, that the justice of the peace or judge before whom the said affidavit was made, was at the time the same was made a justice of the peace or judge, or the same may be certified by the clerk of the Superior Court of Baltimore City, when the affidavit is made in that city; or if the affidavit be made out of the State, and before a judge of a court of record, there shall be a certificate from the clerk of said court, under the seal thereof, that at the time the same was made he was a judge of said court, and that the same is a court of record; or if made before a commissioner of this State, the same shall be certified under his official seal.

Art 10, s 6
1795, c 56, s 2
Certificates to
official char-
acter
32 Md 340

7. The affidavit required by the preceding sections may be made by the creditor, or one of them, where there are more than one, or by the agent of the creditor or creditors, by the president, cashier, or other officer of a corporation, by any executor or administrator, or where the attachment is to be issued in the name or in behalf of an infant, by the guardian of such infant, or by the infant himself, or by the husband of a *feme covert*, or by the committee of a lunatic.

1876, c 112
Who can make
the affidavit.

8. Upon the affidavit being made, and the proofs produced before a justice of the peace, or judge of the county or city where the attachment is to be issued, he shall forthwith issue his warrant to the clerk of the Circuit Court or the Superior Court of Baltimore City, or Court of Common Pleas, as the case may require, to issue an attachment against the lands, tenements, goods, chattels, and credits of the said debtor, and upon the receipt of said warrant, with the

Art 10, s. 8.
1795, c 56, s 1
The warrant to
the clerk of
court and issu-
ing the attach-
ment
35 Md 282.