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Attachments Against Non-Resident and Absconding Debtors.

1904. art. 9. sec. 1. 1888. art. 9. sec. 1. 1860. art. 10. sec. 1.
1832. ch. 280. sec. 1. 1854. ch. 153. sec. 1.

1. Every person and every body corporate that has the right to become a plaintiff in any action or proceeding before any judicial tribunal in this State shall have the right to become a plaintiff in an attachment against a non-resident of this State, or against a person absconding.

A non-resident of Maryland may be plaintiff. *Hodgson v. Southern Bldg. Assn.*, 91 Md. 446.

Though a non-resident corporation at the time it sues out an attachment in Maryland has not qualified to do business in this State, if it does so qualify before trial, the attachment can be maintained. *Kendrick v. Warren*, 110 Md. 71.

The disability of the plaintiff to sue, should be raised by plea in abatement, and not by motion to quash. *Albert v. Freas*, 103 Md. 590.

Ibid. sec. 2. 1888, art. 9, sec. 2. 1860, art. 10, sec. 2. 1817, ch. 138.
1832, ch. 280, sec. 1. 1854, ch. 153, sec. 2.

2. Every person who doth not reside in this State, and every person who absconds, may be made a defendant in an attachment; and any corporation not chartered by this State, or any corporation chartered by this State, but not having the president or a majority of the directors or managers thereof residing in this State, may be made a defendant, as other non-residents.

Who is a "non-resident"? *Blair v. Winston*, 84 Md. 358; *Risewick v. Davis*, 19 Md. 82; *Dorsey v. Kyle*, 30 Md. 518; *Dorsey v. Dorsey*, 30 Md. 530; *McKim v. Odom*, 3 Bl. 428.

If the defendant is in fact a non-resident, his being summoned does not defeat the attachment. *Blair v. Winston*, 84 Md. 358.

Any non-resident of Maryland may be defendant, but the subject of the attachment or garnishment must be property or credits for which the defendant in the attachment could have sued the garnishee in this State. *Hodgson v. Southern Bldg. Assn.*, 91 Md. 447; *Cromwell v. Royal Ins. Co.*, 49 Md. 373; *Myer v. Liverpool, etc., Co.*, 40 Md. 595. And see *Farley v. Colver*, 113 Md. 385.