

Claimants of Property.

47. Claimant of property under attachment or execution. Petition and proceedings.
48. Property attached to be discharged from levy and surrendered to claimant upon filing of approved bond.
49. Sufficiency of bond.

Attachment Before Maturity of Plaintiff's Claim.

50. Attachment proceedings before maturity of the plaintiff's claim.

Priority of State's Lien.

51. Commencement of suit to give state a lien on lands of debtor to state.

Attachments Against Non-Resident and Absconding Debtors.

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, 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.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1817, ch. 138. 1832, ch. 280, sec. 1. 1854, ch. 153, sec. 2. 1916, ch. 596, sec. 2. 1937, ch. 504 (p. 1069).

2. Every person who doth not reside in this State, and every person who absconds, may be made a defendant in an attachment.

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.

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.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, 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.

Absence of debtor for three days from residence and place of work in place unknown to those in charge of his property, with time of return unknown and faced with demand for payment of note which he could not meet, sufficient to justify proceeding under statute on assumption that debtor had absconded. Attachment of goods validly sued out and duly levied is effective against receivers appointed same day but bond filed subsequent to attachment. *Obrecht v. Ensor*, 162 Md. 391.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, 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