

the suit; or after judgment to procure satisfaction. The forfeiture, though nominally to the king, in truth goes to the plaintiff towards payment of his demand. If the outlaw appears, pays all

the costs, puts in sufficient bail, and does *everything he
119 can to put the plaintiff in as good a condition as he would have been in originally; or if after judgment the outlaw pays the debt and costs, the Court reverses the outlawry upon motion without any writ of error. *Rex v. Wilkes*, 4 Burr. 2549; *Morley v. Strombom*, 3 Bos. & Pul. 254; *Tidd Prac.* 109, 135; *Davis v. Davis*, 2 Atk. 23; *Edgel v. Haywood*, 3 Atk. 356. These are the special and general modes of proceeding, according to the English law. And it is now settled, that a creditor may, in cases falling within the jurisdiction of the admiralty, proceed to obtain satisfaction from his debtor resident abroad, by attaching his property in this country. *Manro v. Almeida*, 10 Wheat. 473.

The mode of proceeding by attachment to obtain satisfaction from property found here belonging to a non-resident debtor, was certainly established in Maryland as early as 1647, if not before. *Campbell v. Morris*, 3 H. & McH. 555. The Acts of Assembly in relation to it have been always considered as laws regulating process for the more effectual recovery of debts, or as providing a special auxiliary remedy for the recovery of debts. *Campbell v. Morris*, 3 H. & McH. 555; *Davidson v. Beatty*, 3 H. & McH. 616; *Barney v. Patterson*, 6 H. & J. 201. An attachment has always been considered, from its very nature, as intended solely for the benefit of our citizens; before the Revolution a person not an inhabitant of the Province could not sue out the process; nor can an alien now have it; *Burk v. McClain*, 1 H. & McH. 236; *Yerby v. Lackland*, 6 H. & J. 453; though an inhabitant of this or any other State or Territory in the Union may sue it out. 1825, ch. 114. It is intended to enforce the payment of debts only; it will therefore lie on a judgment, bond, note, account, or the like; but not on a covenant, bond with collateral condition for trespass, &c. *The State v. Beall*, 3 H. & McH. 347. It may be levied on any lands and tenements, goods and chattels, rights and credits of the defendant, that can be found in or out of the hands of others, or in the plaintiff's own hands; or it may be levied on an equitable interest in real estate; *Campbell v. Morris*, 3 H. & McH. 537; on a vested interest in any property; on a debt due by judgment; or now by decree, 1831, ch. 321, on a debt before it is due; or on anything that may be taken in execution. *Wells v. Gheselin*, 1 H. & McH. 91; 1832, ch. 307. And in general, the garnishee may plead all things in defence that the defendant might have pleaded. *Masters v. Lewis*, 1 Ld. Raym. 56; *M'Daniel v. Hughes*, 3 East, 367; *Chase v. Manhardt*, 1 Bland, 344.

One of the most accomplished of the lawyers of Maryland, before * the Revolution, gave it as his opinion, which has been
120 virtually sustained by adjudications subsequent thereto,