

regard to those exceptions, reserving that question until the case shall be brought before him for decision upon its merits.

The bill was filed on the 8th of May, and on the same day, the Baltimore County Court passed an order directing the writ of *ne exeat* to issue, and that the sheriff should detain the defendant in his custody, until he shall give bond, with surety, to be approved by the sheriff, in the penalty of five thousand dollars, conditioned to abide by, conform to, and fulfil the requirements of all decrees which the court may pass in the cause. The prayer for the writ of *ne exeat* was founded upon the averment "that the said Josiah Bayley is about to leave the state of Maryland, and depart beyond the jurisdiction of this court."

On the 13th of May, Baltimore County Court overruled a motion to discharge the defendant from the writ, and to quash the same, upon the ground that the defendant is, and was a resident and inhabitant of Dorchester county, in this state, it appearing by the order, that evidence was heard by the court upon the question submitted to it upon this motion, and on the same day, as appears by the sheriff's return upon the writ, and the receipt of the warden of the jail, the defendant was placed in custody.

After the passing of the above orders, the defendant filed his answer, in which, after denying many of the allegations of the bill, the defendant says, "that he is not about to leave the state of Maryland, or to depart beyond the jurisdiction of her courts, and has no such purpose or intention." And subsequently upon his petition, the papers and proceedings were ordered to be transmitted to this court, and being here, an order was obtained on the 19th of May, that the motion to discharge the writ of *ne exeat*, would be heard on the 29th of the same month, upon notice being served upon the opposite party.

Notice was given accordingly, and counsel have been heard for and against the motion. When the orders of Baltimore County Court were passed, the answer was not filed, and of course, that court has pronounced no opinion upon the effect which that answer should have upon the question now to be